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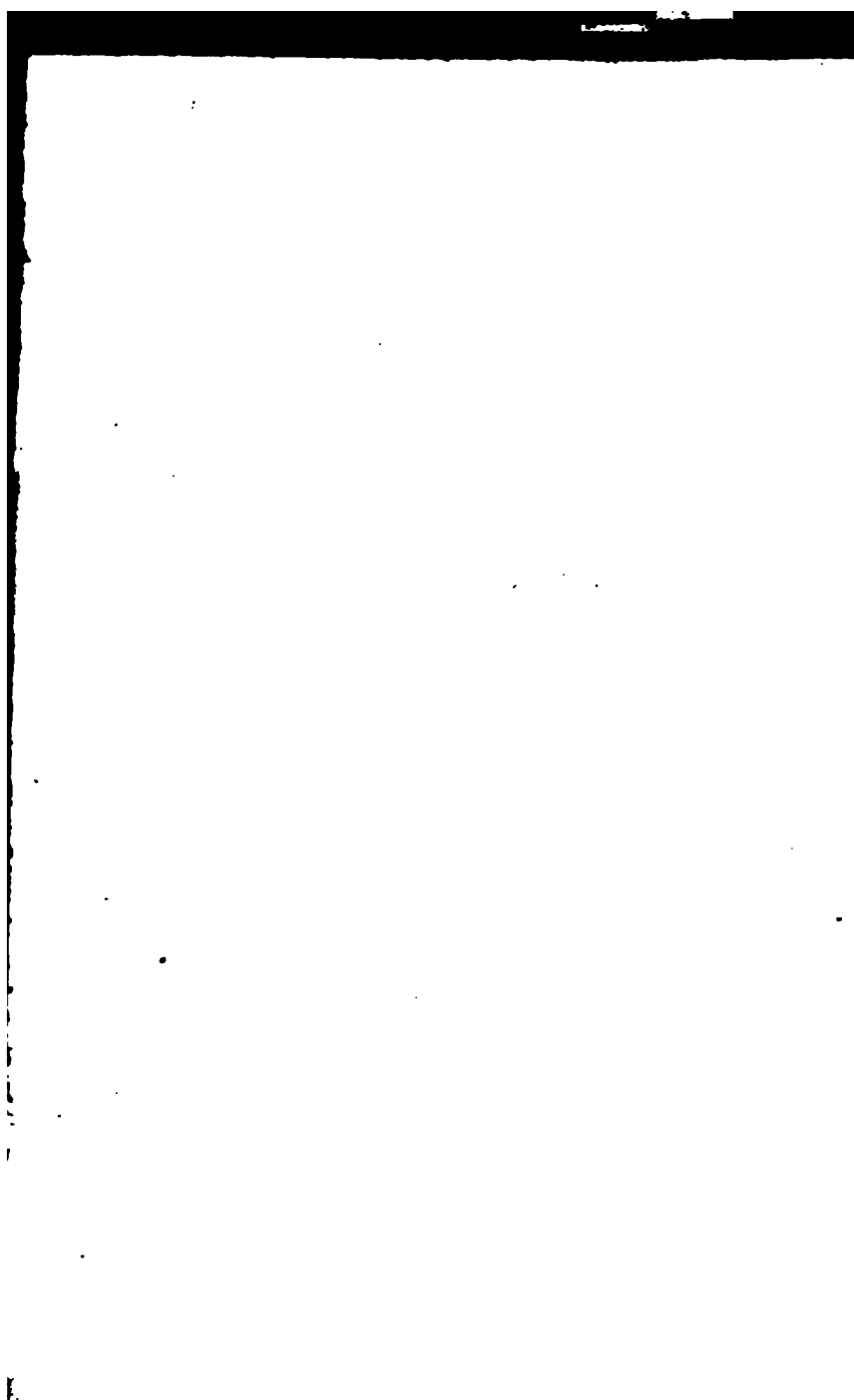
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A. H. Van der

THE
CONTINUATION
OF
Mr. RAPIN's
HISTORY
OF
ENGLAND.



From the REVOLUTION to the
present Times.

By N. TINDAL, M. A.
Rector of ALVERSTOKE, in HAMPSHIRE, and
Chaplain of the Royal Hospital at GREENWICH.

ILLUSTRATED WITH
MAPS, GENEALOGICAL TABLES, and the HEADS
and MONUMENTS of the KINGS.

The SIXTH EDITION, corrected.

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T H E H S T O R Y O F E N G L A N D.

B O O K XXIX.

From the year 1704, to the year 1708.

29. A N N E.

C H A P. I.

Remissness about the plot.—Affairs of Scotland.—The duke of Marlborough marches into Germany.—Battle of Schellenburgh.—Battle of Hochstet.—Landau taken.—Bruges bombarded.—Affairs at sea.—Gibraltar taken.—Engagement off Malaga.—Affairs of Portugal.—The siege of Gibraltar by the Spaniards raised.—Affairs of Italy.—In the Cevennes—of Hungary—of Poland.—Third session of parliament.—Supplies granted.—The occasional bill again brought in.—Rejected by the lords.—Debates and resolutions concerning Scotland.—The duke of Marlborough complimented by the lord keeper.—The duke's answer.—French prisoners sent to Nottingham.—The manor of Woodstock settled on the duke of Marlborough.—Complaints of the admiralty.—A design against the Elector-ess of Hanover.—Affair of the five Ailesbury men.—The parliament prorogued and afterwards dissolved.—Bills not passed.

DURING these transactions, the Scotch plot made a great noise, and, accounts of it soon reaching France, Frazier was immediately shut up in the Bastile. On the other hand, Lindsay, who would discover nothing before the committee of lords, was tried upon

1703-4. the act made against corresponding with France, and sentenced to die. Being carried to Tyburn, he was told by the sheriff, that he must expect no mercy, unless he acknowledged his crime, and discovered what he knew of the conspiracy. But, as it was believed, upon a secret intimation, that he was to be reprieved, he still continued obstinate and mute, and was carried back to Newgate, where he continued prisoner for some years, and then, being banished the kingdom, he died in Holland in a very miserable condition. The truth is, whether, as some were of opinion, the ministry found the queen inclined to favour the friends of the court of St. Germain's; or whether they themselves were unwilling to irritate the Scots at this critical juncture; it is most certain, that, even after the removal of the earl of Nottingham, the farther discovery of the plot was prosecuted with great tenderness or negligence (a).

State
trials.

However

(a) Of this there are the following instances. Towards the end of June 1704, Captain Francis Lacan, late of the lord Galway's regiment of foot in Piedmont, and who, in king James's time, had been an ensign in Dumbarton's regiment, came over from Holland, and upon oath delivered an information in writing to Mr. secretary Harley, importing in substance, "That sir George Maxwell, captain Livingston, captain Hayes, and several other Scotch officers, who came from the court of St. Germain's to Holland, near a year and a half before, after having held several private consultations in divers suspicious places in the neighbourhood of the Hague; and sir George having in vain endeavoured to get a pass from Mr. Stanhope, the queen's envoy, they all embarked for Scotland, to the number of fifteen or sixteen gentlemen, with three ladies, the same day that captain Lacan sailed from the Brill for England with the retinue of an envoy from the duke of Savoy." Mr. secretary Harley having communicated this information to the lord-treasurer, orders were immediately dispatched to Scotland to seize sir George Maxwell and his followers; which was accordingly done just upon their landing. But though, by what had already appeared before the committee of the lords and other concurring evidences, it was plain that they came with a design to raise commotions in Scotland, yet they were soon after set at liberty; and sir George Maxwell was not only permitted to come to London, but highly caressed by some great

However the duke of Queensberry's management of the plot was so liable to exception, that it was not thought fit to employ him any longer in the administration of Scotland; and it seems, he had likewise brought himself under the queen's displeasure; for it had been proposed by some of his friends in the house of lords, to desire the queen to communicate to them a letter, which the duke had wrote to her of such a date. This looked like an examination of the queen herself, to whom it ought to have been left, to send what letters she thought fit to the house, and they ought not to call for any one in particular. The matter of this letter made him liable to a very severe censure in Scotland; for, in plain words, he charged the majority of the parliament, as determined in their proceedings by an influence from St. Germain's. This exposed him in Scotland to the fury of a parliament; for, how true soever this might be, such a representation of a parliament to the queen, especially in matters, which could not be proved, was, by the laws of that kingdom, leasing-making, and a capital crime.

The chief design of the court, in the session of the Scotch parliament this summer, was to get the succession of the crown to be declared, and a supply to be given for the army, which was run into a great arrear. In the debates of the former session, those, who opposed every thing,

A 3

more

great men. As for captain Lacan, though his information proved so true and exact, that his zeal and diligence were at first greatly extolled, both by the lord treasurer and the secretary; and though he did farther service to the government, by seizing, in St. James's park, a young Irish gentleman, lately a retainer to the court of St. Germain's; yet, after he had attended daily at the secretary's office for above three months, and consumed his small substance, he was sent back to Holland, without any other recompence than empty promises. Nor was this all, for the Irish youth, who to save his

life, readily discovered all he knew, and who among other particulars acquainted Mr. secretary with the constant correspondence of the duke of Hamilton with the court of St. Germain's, was likewise sent to Holland with Lacan upon some idle business, for fear, as it is probable, that he should relate how easily he had escaped, or what little stress was laid on his discoveries. At the same time came over from France, without a pass, one of the daughters of sir Theophilus Oglethorpe, and, consequently, lay at the mercy of the government, but was never brought into trouble on that account.

1703-4.
Affairs of
Scotland.
Burnet.

1703-4. more particularly the declaring the succession, had insisted chiefly on motions to bring their own constitution to such a settlement, that they might suffer no prejudice by their king's living in England. Mr. James Johnston, who had been secretary of state for Scotland under king William, was now taken into the administration, and made lord-register in the room of sir James Murray of Philiphaugh. He proposed, in concert with the marquis of Tweeddale and some others in Scotland, that the queen should empower her commissioner to consent to a revival of the whole settlement made by king Charles I. in the year 1641. By that the king named a privy-council, and his ministers of state in parliament, who had a power to accept of, or to except to the nomination, without being bound to give the reason for excepting to it. In the intervals of parliament, the king was to give all employments with the consent of the privy council. This was the main point of that settlement, which was looked upon by the wisest men of that time as a full security to all their laws and liberties. It did indeed divest the crown of a great part of the prerogative, and it brought the parliament into some equality with the crown. The queen, upon the representation made to her by her ministers, offered this as a limitation upon the successor, in case they would settle the succession, as England had done; and, for doing this, the marquis of Tweeddale was named her commissioner. The queen also signified her pleasure very positively to all who were employed by her, that she expected they should concur in settling the succession, as they desired the continuance of her favour. Both the duke of Marlborough and the lord-treasurer Godolphin expressed themselves very fully and positively to the same purpose. Yet it was artfully surmised and spread about by the jacobites, and too easily believed by jealous and cautious people, that the court was not sincere in this matter, or at best indifferent as to the success. Some went further, and said, that those, that were in a particular confidence at court, secretly opposed it, and entered into a management or design to obstruct it. There did not appear any good ground for this suggestion; yet there was matter enough for jealousy to work on, and this was carefully improved by the jacobites, in order to defeat the design; and they were put in hopes, in case of a rupture,

tute, to have a considerable force sent to support them from Dunkirk. 1704.

The duke of Queensberry being now laid aside, his colleague, the earl of Cromarty, remained sole secretary of state. The earl of Leven was installed governor of Edinburgh-castle in the room of the earl of March, and the earl of Glasgow removed from the place of treasurer-deputy, but his place was not filled.

On the 6th of July the parliament being met, the queen's commission, appointing the marquis of Tweeddale to represent her royal person, was recorded; and, five days after, the lord-commissioner presented to them the following letter from her majesty:

Proceed-
ings of the
parlia-
ment of
Scotland.
Burnet's
hist. of
Europe.
Lockhart.

ANNE R.

My lords and gentlemen,

“ Nothing has troubled us more, since our accession to the crown of these realms, than the unsettled state of affairs in that our ancient kingdom.

“ We hoped, that the foundations of differences and animosities, that, to our great regret, we discovered among you, did not lie so deep, but that, by the methods we have proceeded in, they might have been removed.

“ But, instead of success in our endeavours, the rent is become wider. Nay, divisions have proceeded to such a height, as to prove matter of encouragement to our enemies beyond sea to employ their emissaries among you in order to debauch our good subjects from their allegiance, and to render that our ancient kingdom a scene of blood and disorder, merely, as they speak, to make you serve as a diversion.

“ But we are willing to hope, that none of our subjects, but such as were obnoxious to the laws for their crimes, or men of low and desperate fortunes, or that are otherwise inconsiderable, have given ear to such pernicious contrivances. And we have no reason to doubt of the assurances given us by those now intrusted with our authority, that they will use their utmost endeavours to convince our people of the advantage and necessity of the present measures. For we have always been inclined to believe, that the late mistakes did not proceed from any want of duty and respect to us, but

A 4

“ only

1704.

“ only from different opinions as to measures of government.

“ This being the case, we are resolved, for the full contentment and satisfaction of our people, to grant whatever can, in reason, be demanded for rectifying of abuses, and quieting the minds of all our good subjects.

“ In order to this, we have named the marquiss of Tweeddale our high-commissioner, he being a person, of whose capacity and probity, or qualifications and dispositions to serve us and the country, neither we nor you can have any doubt. And we have fully impowered him to give you unquestionable proofs of our resolution to maintain the government, both in church and state, as by law established, in that our kingdom; and to consent to such laws, as shall be found wanting for the further security of both, and preventing all encroachments on the same for the future.

“ Thus having done our part, we are persuaded, that you will not fail to do yours, but will lay hold on this opportunity to shew the world the sincerity of the professions made to us, and that it was the true love of your country, and the sense of your duty to it; and therefore not the want of duty to us (for we shall always reckon these two inconsistent) that was at the bottom of the late misunderstandings.

“ The main thing, that we recommend to you, and which we recommend to you with all the earnestness we are capable of, is the settling of the succession in the protestant line, as that which is absolutely necessary, for your own peace and happiness, as well as our quiet and security in all our dominions, and for the reputation of our affairs abroad; and consequently for the strengthening the protestant interest every where.

“ This has been our fixt judgment and resolution ever since we came to the crown; and, though hitherto opportunities have not answered our intentions, matters are now come to that pass, by the undoubted evidence of the designs of our enemies, that a longer delay of settling the succession in the protestant line may have very dangerous consequences; and a disappointment of it would infallibly make that our
“ king-

O F E N G L A N D.

9

“ kingdom the seat of war, and expose it to devastation,
“ and ruin. 1704.

“ As to the terms and conditions of government, with
“ regard to the successor, we have impowered our com-
“ missioner to give the royal assent to whatever can, in
“ reason, be demanded, and is in our power to grant for
“ securing the sovereignty and liberties of that our ancient
“ kingdom.

“ We are now in a war, which makes it necessary to
“ provide for the defence of the kingdom; the time of
“ the funds, that were lately given for maintenance of the
“ land forces, being expired, and the said funds exhausted,
“ provision ought also to be made for supplying the ma-
“ gazines with arms and ammunition, and repairing the
“ forts and castles, and for the charge of the frigates, that
“ prove so useful for guarding the coasts.

“ We earnestly recommend to you whatever may con-
“ tribute to the advancement of true piety, and discourge-
“ ment of vice and immorality; and we doubt not, but
“ you will take care to encourage trade, and improve the
“ product and manufactories of the nation; in all which,
“ and every thing else, that can be for the good and
“ happiness of our people, you shall have our hearty and
“ ready concurrence. We shall only add, that unanimity
“ and moderation in all your proceedings will be of great
“ use for bringing to a happy issue the important affairs,
“ that we have laid before you, and will be also most ac-
“ ceptable to us. So we bid you heartily farewell.”

Given at our court at Windsor-castle, the 25th day of
June 1704, and of our reign the third year.

The queen's letter was seconded by the speeches of the
high-commissioner and lord-chancellor, all tending to the
settling the succession, which was the first debate (a). A
great party was now wrought on, when they understood
that the settlement of 1641 was to be offered them.
For the wisest patriots in that kingdom had always mag-
nified

(a) The earl of Cromarty made also a strange speech (which was printed) running into a distinction among divines, between the revealed and secret will of God, shewing, that no such distinction could be applied to the queen; she had but one will, and that was revealed: But notwithstanding this speech, it was still suspected, that at least her ministers had a secret will in this case.

1704.

nified that constitution, as the best contrived scheme that could be desired: so they went in, with great zeal, to the accepting of it. But those who, in the former session, had rejected all the motions of treating with England with some scorn, and had made this their constant topic, that they must, in the first place, secure their own constitution at home, and then they might trust the rest to time, and to such accidents as time might bring forth; now when they saw that every thing that could be desired was offered with relation to their own government, they (being resolved to oppose any declaration of the succession, what terms soever might be granted to obtain it) turned the argument wholly another way, to shew the necessity of a previous treaty with England. They were upon that told, that the queen was ready to grant them every thing that was reasonable, with relation to their own constitution, yet, without the concurrence of the parliament of England, she could grant nothing in which England was concerned; for they were for demanding a share of the plantation-trade, and that their ships might be comprehended within the act of navigation.

July 13.

Pursuant to the scheme of a treaty before the succession was fixed, the duke of Hamilton presented a resolve, "That this parliament would not proceed to name a successor to the crown, until the Scots had a previous treaty with England, in relation to commerce and other concerns." The courtiers, not expecting the cavaliers would have begun so early to oppose the Succession, were not a little surprised and perplexed at this resolve, and all they could do for the present was to procure a vote, that it should lie on the table till the next meeting four days after. The duke of Hamilton having then moved the resuming of the consideration of his resolve, it occasioned a warm debate, in which Fletcher of Salton, in a particular manner, represented the hardships and miseries which the Scots had suffered since the union of the two crowns under one sovereign, and the impossibility of bettering their condition, unless they took care to prevent any design that tended to continue the same. Upon this, the earl of Rothes presented another resolve, "That this parliament would immediately proceed to make such limitations and conditions of government, as might be judged proper for rectifying the constitution, and to vindicate and secure the sovereignty and independency of the nation; and then the parliament would take into consideration the other resolve offered by the duke of Hamilton for a treaty, previous to the nomination of a

" successor

“ successor to the crown.” This occasioned a new debate, 1704. wherein the court-party earnestly urged the settling the succession, before the house proceeded to any other business; and, on the other hand, the cavaliers made very sharp reflections on the proceedings of the parliament of England, with relation to the plot, which had great influence on many members wholly unacquainted with that affair. However, the court-party, thinking they were strong enough to give the earl of Rothes’s motion the preference to the duke of Hamilton’s resolve, insisted to have the question stated, Which of the two should come first under the consideration of the house? Upon which, great heats arose, and Sir James Falconer of Phesdo spoke to this purpose, “ That he “ was very glad to see such an emulation in the house, “ upon account of the nation’s interest and security: that “ he thought both the resolves under their consideration so “ good and necessary, that it was pity they should clash “ with one another; he therefore moved, that it be re- “ solved, that this parliament will not proceed to the no- “ mination of a successor, until there was a previous treaty “ with England, for regulating the commerce and other “ affairs with that nation: and, that this parliament will “ proceed to make such limitations and conditions of go- “ vernment, as may secure the religion, liberty, and inde- “ pendency of this nation, before they proceed to the nomi- “ nation of a successor to the crown.” This joint resolve being put to the vote, it was carried by a majority of fifty-five voices. Of these, about thirty were in immediate dependence on the court, and were determined according to directions given them. However, they went no farther in this vote for a treaty with England; for they could not agree among themselves who should be the commissioners, and those, who opposed the declaring the succession, were concerned for no more, when that affair was laid aside. It was therefore postponed, as a matter about which they took no farther care.

The cavaliers were extremely elated by this victory; and the duke of Athol, lord privy-seal, and one of their leaders, moved, “ That her majesty having been pleased to signify “ by her commissioner, that the examination of the plot “ should be laid before the parliament, his grace would be “ pleased to write to her majesty, to send down the persons, “ who were witnesses, and all the papers relating to that “ plot, as soon as possible, that the affair might be thoroughly “ examined: and those, who were unjustly accused, might “ be

1704. "be vindicated, and the guilty punished." Whereupon the lord-chancellor declared, by order of the lord-commissioner, that his grace had written, and would write again to the queen, for all the evidences relating to the plot. Two days after, the duke of Hamilton moved, "That the parliament would proceed to make such limitations and conditions of government, for the rectifying of the constitution, as might secure the religion, liberty, and independency of this nation; and that they would name commissioners to treat with England, for regulating the commerce, and other concerns with that nation, previous to all other business, except an act for two months cess, first of all to be granted for the present subsistence of her majesty's forces." Upon this, the earl of Marchmont made a long speech, importing, "That, since the house had resolved not to fall immediately upon settling the succession, it was reasonable, that an act should be made to exclude all popish successors." To which the duke of Hamilton answered, "That he should be one of the first who should draw his sword against a popish successor, though he did not think this a proper time, either to settle the succession, or to consider of the earl of Marchmont's proposal." After some debate, the consideration of the duke of Hamilton's motion was adjourned for two days, when it was moved, That the act presented by the lord-justice clerk, and declared by him to be for fourteen months supply, payable in two years, might likewise be considered. After a debate, it was put to the vote, Whether to give a cess for two, or for fourteen months? and, it was carried by sixteen voices, that it should be for two months only. The act of supply was, four days after, taken again into consideration; but there was tacked to it a great part of the bill for the security of the nation, which (as hath been related) passed the former session of parliament, but was refused by the throne*. After some debate, the following resolve was offered by the lord Rois, "That the parliament will proceed to grant two months supply for subsisting her majesty's forces; and, as soon as the act of security, now read, has got the royal assent, will give four months more." And then a second resolve was presented by the earl of Roxburg, "That there be a first reading marked on the act of security; and that both this act, and that for the supply, lie, without being further proceeded on, until her majesty's commissioner receive instructions as to the act of security, it being then
- July 19.
- July 21.
- July 25.
- * See vol. III. of continuation.
- "free

“ free for the parliament to proceed to the acts jointly or 1704.
 “ separately, as they should think fit.” After reasoning on both these resolves, the question was stated, Whether to approve my lord Ross’s or the earl of Roxburgh’s? It was carried for the lord Ross’s; and the act of security being read, a first reading was ordered to be marked thereon. These things were carried with great heat and vehemence; for (as was before observed) a national humour of being independent on England, fermented so strongly among all sorts of people without doors, that those who went not into every hot motion that was made, were considered as the betrayers of their country: and they were so exposed to a popular fury, that some of those who studied to stop the torrent, were thought to be in danger of their lives. The presbyterians were so overawed with these proceedings, that though they wished well to the settling the succession, they durst not openly declare it. The dukes of Hamilton and Athol led all these violent motions, and the whole nation was strangely inflamed.

The ministers were in great perplexity how to act, with regard to the supply-bill, and the tack that was joined to it. If it was denied, the army could be no longer kept up; they had run so far in arrear, that, considering the poverty of the country, that could not be carried on much longer. Some suggested, that it should be proposed to the English ministry to advance the subsistence money, till better measures could be taken; but none of the Scotch ministers would agree to that. An army is reckoned to belong to those who pay it; and therefore an army, paid from England, would be called an English army. Nor was it possible to manage such a thing secretly. It was well known that there was no money in the Scotch treasury to pay them; so that, if money were once brought into the treasury how secretly soever, all men must conclude, that it came from England. And mens minds were then so full of the conceit of independency, that, if a suspicion arose of any such practice, probably it would have occasioned tumults. Even the army itself was so inflamed with this temper, that it was believed, that neither officers nor soldiers would have taken their pay, if they had believed it came from England. The affair was therefore reduced to this dilemma, that either the army must be disbanded, or the bill must pass. It is true, the army was a very small one, not above three thousand; but it was so ordered, that it was double or treble officered: so that it could have been easily increased to a much greater number, if

1704.

if there had been occasion for it. The officers had served long, and were men of a good character. Since therefore there were alarms of an invasion, which both sides looked for, and the intelligence which the court had from France, assured them it was intended; the ministers thought the inconveniencies arising from the tack might be remedied afterwards; but that the breaking of the army was such a pernicious thing, and might end so fatally, that it was not to be ventured on: therefore, by common consent, a letter was wrote to the queen, which was signed by all the ministers in Scotland, in which they laid the whole matter before her, and every thing stated and balanced; concluding with their humble advice to pass the bill. This was very heavy on the lord Godolphin, on whose counsel the queen chiefly relied. He saw, that the ill consequences of breaking the army, and laying that kingdom open to an invasion, would fall on him, if he should, in contradiction to the advice given by the ministry of Scotland, have advised the queen to reject the bill. This was under consideration in the end of July, when affairs abroad were in a great uncertainty; for though the victory at Schellenburg was a good step, yet the great decision was not then come. He thought therefore, considering the state of affairs, and the accidents which might happen, that it was the safest thing for the queen to comply with the advice of those to whom she trusted the affairs of that kingdom. The queen sent orders to pass the bill, which being done, the commissioner made the following speech on the occasion.

Aug. 5.

My lords and gentlemen,

“ AT your sitting down, her majesty, in her gracious letter, recommended to you two things, which she thought most necessary for your own quiet and security, as well as for that of her government; the settling of the succession in the protestant line, and the providing for the subsistence of the forces, the funds last given for that end being then exhausted. The first of these you have not thought fit for your interest to do at this time. I heartily wish you may meet with an opportunity for it more for your advantage at another. The other all of you seemed most ready and willing to go into, as witness the several motions and resolves made thereanent; but, withal, shewed strong inclinations for an act of security, as absolutely necessary. I told you then, as I had done at first, that I had been fully impowered and instructed, not only

“ 26

“ as to that, but many other things for your good ; but, 1704.
 “ upon the alteration of circumstances, had not now the
 “ liberty to make use of those powers even as to that, till I
 “ had acquainted her majesty, and knew her mind, which
 “ I would do, and use my utmost interest to procure it fa-
 “ vourable ; which was the true reason of your long ad-
 “ journment, and not what was insinuated by some, who
 “ ought to have known me better, the character I have in
 “ the world being, as I hope, above so mean a reflection.

“ And now, my lords and gentlemen, I can tell you,
 “ that, from her majesty's innate goodness and gracious
 “ disposition towards you, it hath been more easy for me,
 “ and some other of her servants, to prevail with her, than
 “ perhaps was by others expected ; so that you have an act
 “ of security sufficient for the ends proposed. And it is
 “ hoped, at the same time, you will perfect that of supply,
 “ which you yourselves seem convinced to be absolutely
 “ necessary at this time, and without which neither the
 “ forces can be kept on foot, nor any frigate maintained
 “ for guarding our coasts and securing our trade ; both
 “ which now lying before you, I hope you will go pre-
 “ sently about, that, when finished, they may have the
 “ royal assent, which I am ready to give. And therefore
 “ you may have time to proceed to other business relating
 “ to trade, or your other concerns, wherein I shall be
 “ willing to comply with your desires, so they be within
 “ the bounds of my instructions.”

Thus this act of security was passed after the battle of
 Blenheim was over, but several days before the news of it
 reached England. When the act passed, copies of it were
 sent to England, where it was soon printed by those who
 were uneasy at the lord Godolphin's holding the white staff,
 and resolved to make use of this against him ; for the whole
 blame of passing it was cast upon him (a). It was not pos-
 sible

(a) This act was in substance much the same with that to which the duke of Queensberry had refused the royal assent. By the act it was provided, that, if the queen should die without issue, a parliament should presently meet, and they were to declare the successor to the crown, who should not be the same person that was possessed of the crown of England, unless before that time there should be a settlement made in parliament, of the rights and liberties of the nation, independent on English councils. By another clause in the act, it was made lawful to arm the subjects, and to train them and put them in a posture of defence. This was chiefly pressed, in behalf of the

1704.

fible to prove, that he had advised the queen to it, and therefore some took it by another handle, and resolved to urge it against him, that he had not persuaded the queen to reject it, though that seemed a great stretch; for, he being a stranger to Scotland, it might have been liable to more objection, if he had presumed to advise the queen to refuse a bill passed in the parliament of that kingdom, which all the ministry there advised her to pass. Severe censures were passed upon this act. It was said, that the two kingdoms were now divided by law, and that the Scots were putting themselves in a posture to defend it; and all saw by whose advices this was done. One thing, which contributed to keep up an ill humour in the parliament of Scotland, was more justly imputed to him. The queen had promised to send down to them all the examinations relating to the plot. If these had been sent down, probably in the first heat, the matter might have been carried far against the duke of Queensberry. But he, who stayed all the while in London, got it to be represented to the queen, that the sending down these examinations, with the persons concerned in them, would run the session into so much heat, and into such a length, that it would divert them quite from considering the succession, and it might produce a tragical scene. Upon these suggestions, the queen altered her resolution of sending them down; and though repeated applications were made to her, both by the parliament and her ministers, to have them sent, yet no answer was made to these, nor was so much as an excuse made for not sending them. The duke of Queensberry, having gained this point, got all his friends to join with the party that opposed the new ministry. This both defeated all their projects, and softened the spirits of those who were so set against him, that in their first fury no stop could have been put to their proceedings. But now the party that had designed to ruin him, was so much wrought on by the assistance that his friends gave them in this session, that they resolved to preserve him.

Aug. 27. The parliament having granted a six months cess for the pay of the army, they were entering upon debates about the plot and the proceedings of the English house of lords in that affair, as an undue intermeddling with their concerns, and an incroachment upon the sovereignty and independency of their nation, when the high-commissioner told them, that

best affected in the kingdom, who were not armed; for the Highlanders, who were the worst affected, were well armed; so to balance that, it was moved, that leave should be given to arm the rest.

that he was not allowed to give them any more time, but that they should soon have another opportunity of doing what still remained to be done; for no disappointment her majesty had met with, could alter in the least her favourable dispositions towards that her ancient kingdom. After which the parliament was prorogued to the 7th of October. However, before they separated, they drew up an address to the queen, desiring, that the evidence and papers relating to the plot might be laid before them against the next session.

This was the state of that nation, which was aggravated very odiously all over England. It was confidently, though, as was afterwards known, very falsely reported, that great quantities of arms were brought over, and dispersed through the whole kingdom. And, it being well known how poor the nation was at that time, it was said those arms were paid for by other hands, in imitation of what it was believed cardinal Richelieu did in the year 1638. Another thing was given out very maliciously by the lord Godolphin's enemies, that he had given directions under-hand to hinder the declaring the succession; and that the secret of this was trusted to Mr. Johnston, who, they said talked openly one way, and acted secretly another, though there never appeared any colour of truth in those reports. Great use was to be made of the affairs of Scotland, because there was no ground of complaint of any thing in the administration at home. All the duke of Marlborough's enemies saw, that his chief strength lay in the credit which the lord Godolphin was in at home, while he was so successful abroad; so that it being impossible to attack him in such a course of glory, they laid their aims against the lord-treasurer. The Tories resolved to attack him, and that disposed the Whigs to preserve him; and this was so managed by them, that it gave a great turn to all the councils at home.

Immediately after the adjournment of the parliament, the courtiers repaired to London, where the marquis of Tweeddale was made chancellor of Scotland; the earls of Seafield and Roxburgh, secretaries of state; the earl of Rothes, lord-privy-seal; the earl of Cromarty, justice-general; Mr. Bailie of Jervis-wood, treasurer-deputy; and the earl of Selkirk lord Belhaven, and Sir John Hume, lords of the treasury: Sir William Hamilton was also made justice-clerk; but he lived not to enjoy that office many months, and was succeeded by Adam Cockburn of Ormiston. A new commission was, at the same time, sent down to Edinburgh, by which most of the cavaliers, and all the duke of Queens-

Changes
in the
Scots
ministry.
Lockhart.

1704.

Sterry's friends, were laid aside, and it was made up intirely of Scots revolutioners. And thus the administration of affairs in Scotland was lodged in the hands of a body of men, who concurred with the measures at that time pursued by the court of England. It is now time to turn to the operations of the war.

The duke of Marlborough conducts his design with great secrecy.
Purnet.

The affairs of the empire were, in the beginning of this campaign, in a very desperate condition. The emperor was reduced to the last extremities. The elector of Bavaria was master of the Danube as far as Passau, and the malecontents in Hungary were making a formidable progress. The emperor was not in a condition to maintain a defensive war long on both sides, nor was he able to make any opposition at all against them, should they once come to act by concert. Thus his affairs had a very gloomy appearance, and utter ruin was to be apprehended. Vienna was in apparent danger of being besieged on both sides, and it was not capable of making a long defence; so that the house of Austria seemed lost beyond all prospect of a recovery. Prince Eugene wisely proposed, that the emperor should implore the protection of the queen of Great-Britain, which was agreed to, and count Wratislaw managed the affair at the court of England with great application and secrecy (a). The duke of

(a) However, for form sake, and to prepare the way for the reception of a resolution that had been already taken, Wratislaw presented the following memorial to the queen on the 2d of April:

" That he had several times represented to her majesty's ministers, by word of mouth, the pressing necessities of the Empire, by the breaking in of a considerable army of French into Bavaria; which (together with the insurrection in Hungary) had reduced the imperial hereditary countries to an incredible perplexity and confusion; so that it was to be feared, that an intire revolution and dissolution of all Germany would follow, if some speedy assist-

ance were not applied, proportionable to the great dangers they were threatned with. He was indeed extremely well satisfied with the zeal which her majesty's ministers had for the common cause, and with the attention they gave to his representations. But nothing being as yet resolved on, though the season was far advanced: and the final resolution on the several schemes which had been presented, being deferred till the arrival of the duke of Marlborough at the Hague, he thought himself obliged, before his grace's departure, to do his utmost endeavour, by representing in writing the danger wherein the emperor and empire were at present involved.

of Marlborough saw the necessity of undertaking the emperor's relief, and resolved to use all possible endeavours to put it in execution. When he went into Holland in the winter, he proposed it to the pensionary, and other persons of the greatest confidence. They approved it, but it was not advisable to propose it to the States; since at that time many would not have thought their country safe, if their army should be sent so far from them; and nothing could be long a secret, which was proposed to such an assembly, whereas the main hope of succeeding in this design lay in the secrecy with which it was conducted. Therefore, under the pretext of carrying the war to the Moselle, every thing was prepared that was necessary for executing the true design.

B 2

The

" involved. That her majesty
 " out of the same zeal for pre-
 " serving the liberties of Eu-
 " rope, for which she was so
 " much famed, would be pleased
 " to order the duke of Marl-
 " borough, her captain-general,
 " seriously to consult with the
 " States-general, concerning
 " the speediest method for as-
 " sisting the empire; or, at
 " least, to conduct part of the
 " troops in her majesty's pay
 " beyond the sea, to preserve
 " Germany from a total sub-
 " version; it not being just in
 " itself, nor any ways advan-
 " tageous to the common cause
 " that her majesty's troops
 " should continue on the fron-
 " tiers of Holland, which were
 " not in the least threatened by
 " the enemy, and were defend-
 " ed by great rivers and strong
 " places, whilst the empire was
 " destroyed by the French troops
 " with fire and sword." In
 " conclusion count Wratisslaw de-
 " clared, " That the representa-
 " tions he had made were
 " grounded on the alliance con-
 " cluded between the emperor,
 " England, and Holland, pur-
 " suant to which, he hoped her
 " majesty would give such or-

" ders as were necessary for the
 " assistance of Germany, by
 " the want of which he foresaw
 " the mischiefs that would arise
 " to the common cause, espe-
 " cially if the orders of the
 " States-general to recall their
 " troops from the empire should
 " take place, at a time when
 " France endeavoured to send
 " a powerful assistance to their
 " army in Bavaria."

To this memorial the queen
 was pleased to return an answer,
 importing, " That she had given
 " directions to the duke of
 " Marlborough to take the most
 " effectual methods with the
 " States-general of the United
 " Provinces, her good allies
 " and confederates, to send a
 " speedy relief to his imperial
 " majesty and the empire, and
 " to press the States to take the
 " necessary measures to rescue
 " Germany from the imminent
 " danger to which it was now
 " exposed." Lamberti III.

It is said the duke of Marl-
 borough communicated his pro-
 ject at first only to the queen,
 prince George, and the trea-
 surer, and in Holland only to
 the pensionary and deputy Gel-
 dermallen.

1704. The duke of Marlborough, with his brother general Churchill, lieutenant-general Lumley, the earl of Orkney, and other general officers, embarked for Holland, and in three days arrived at the Hague. Two days after his coming, he was attended by a solemn deputation of the States, in order to confer with him. The conference lasted six hours. The chief subject of debate was about sending a good army towards the Moselle. This was all that was proposed in public, and to this the States of Zealand, and two other provinces, strongly objected. They would not agree, that the duke should have an unlimited command to lead the army where he pleased, and thought it a very dangerous project to march the troops at so great a distance. The Zealand deputies opposed it so strenuously, that the duke was obliged to tell him plainly, that he had the queen's positive orders to march with the troops in her pay towards the Moselle. Accordingly, having taken his leave of the States, the duke set out from Holland, and in five days arrived at Maestricht, where his army was incamped. About the same time, the States regulated the posts of their general officers. Monsieur Auverquerque, their field-marshal, was appointed to command their forces on the Maese, having under him the counts de Tilly and Noyelles; Slangenburg those on the Moselle; Salisch in Brabant; and Spaar and Fagel in Flanders.
- May 18. From Maestricht the duke of Marlborough marched to Bedburg, and his camp being near Cologne, he was waited on by the canons of that chapter, the prince of Saxzeits, bishop of Zoab, the prince of Hesse, count Briançon, the duke of Savoy's envoy to the queen of England, and other princes and generals.
- The French endeavour to stop his march. The French in Flanders began by this time to be alarmed, though they were far from suspecting the duke's real design. His marching towards Coblentz, and the great preparations which were making in that place, made them believe, that he designed to open the campaign with the the siege of Traerbach, and endeavour to advance along the Moselle into France. Upon this supposition they detached five thousand foot, and two thousand horse towards that river, and gave out, that they intended the siege of Huy, vainly imagining, that by this report they might stop the progress of the English general. But the duke, well knowing that the forces which were left in Flanders under Auverquerque, were sufficient to frustrate any attempt which the French could make on that side, continued his march, and advanced from Bedburg to Kerpenord,

Kerpenord, the next day to Kalsfecken, where he received an express from prince Lewis of Baden, with some intercepted letters, by which it appeared, that the French intended to force their passage through the Black-forest, and, after joining the Bavarians, to march directly to Vienna. About the same time, the duke received advice from the Netherlands, that the court of France had sent positive orders to Villeroy to march towards the Moselle with five and thirty battalions, and six and forty squadrons, being still firmly persuaded, that the duke would act on that side. Upon this, the duke gave immediate orders for his forces to march with all expedition; and whilst the army was on a full march, he went to take a view of the fortifications of Bonne, where, having given his directions to the governor of that place, he returned in the evening to the army. Here he received certain advice, that the recruits for the French army in Bavaria, with farther reinforcements, had joined the elector three days before at Villingen. But the duke, notwithstanding this junction of the enemies, was, on account of the number of the troops which the French left behind them, and by the marshal's marching back with the rest of his army towards the Rhine, confirmed in his opinion, that the enemies were as yet wholly ignorant of his design. He therefore continued his march with unwearied diligence, and advanced to the camp of Neudorff near Coblentz, where, besides Mr. Davenant, the queen's agent at Francfort, and Monsieur d'Amelo, envoy extraordinary from the States-general, count Wratisslaw, in his return from London, waited on him to settle all things for his farther march, and his conjunction with the imperial army. Then the duke passed the Neckar near Ladenburg, where he rested three days. Having, by this time, gained the advance of some days of the French army, he wrote to the States from Ladenburg, to let them know that he had the queen's order to march to the relief of the empire, with which he hoped they would agree, and allow his carrying their troops to share in the honour of that expedition. He had their answer as quick as the courier could bring it, by which they approved of the design, and of his carrying their troops with him. So he had now the whole army at his own disposal.

The French imagining that he would advance to the Upper-Rhine, Villeroy marched thither with all possible speed; and, at the same time, a detachment of seven battalions and twenty-one squadrons, from the confederate army

1704.

May 20.

May 23.

May 25.

June 3.

1704. in Flanders, under the duke of Wirtemberg, followed the duke of Marlborough, who marched from Ladenburg to Mildenheim, where, the next day, prince Eugene paid him a visit. The consultations between the prince and the duke lasted several hours; and it was agreed upon, that the two armies should join, and the duke and prince Lewis of Baden should command each day alternately, and that prince Eugene should go upon the Rhine to command a separate army.
- June 9. The troops being drawn up in order of battle, the duke accompanied prince Eugene to a review, when the prince seemed wonderfully pleased to find them in such excellent order after so long a march (a). The next day, prince Lewis of Baden arrived in the camp at Great-Heppach, where a conference was held in the evening. The day following the troops marched from Great-Heppach, and prince Lewis went to his army on the Danube, and prince Eugene rid post for Philipsburgh to command the army on the Rhine, and on the 22d joined prince Lewis of Baden at Walsterstet. On the 24th the army marched from thence to Elchingen, the next day to Gingen. On the 30th the army marched from thence to Landthausen on the right, and Balmertshoffen on the left, and passed so near the enemy's camp, that lieutenant-general Bulau was sent out the night before with a detachment of two thousand horse and dragoons, to secure the avenues, by which they might have disturbed the march of the allies, who, by this means, proceeded without any opposition. On the first of July they continued their march in sight of the enemy's intrenchments at Dillingen, and incamped the right at Amerdighen, and the left at Ouderlingen.

While they lay in this camp, the duke received advice, that the elector of Bavaria had sent the best of his infantry to reinforce count d'Arco, who was posted at Schellenberg, a rising ground on the Danube, near Donawert, where, for several days, he had caused some thousands of men to work upon intrenchments, as being a post of vast importance. The duke resolved to march and attack the enemy; and the necessary directions being given to the army, on the 2d of July, early in the morning, he advanced with a detachment

The battle of Schellenberg.

(a) Prince Eugene said to the duke, "I never saw better horses, arms, and cloathing, but all these things may be purchased with money; what strikes me most, is the courage which appears in the countenance of the soldiers, of which I never saw the like in any troops." Lamberti III. 80.

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ment of thirty squadrons of English and Dutch, a considerable number of foot commanded by lieutenant-general Goor, three battalions of imperial grenadiers under prince Lewis of Baden, and the rest of the army followed with all possible diligence. But the march being long, and the ways very bad, they could not reach the river Wermitz, which run by Donawert, till about noon, and it was three hours before the bridges were finished, for the troops and cannon to pass over. About five o'clock in the afternoon, they came before Schellenberg, and the duke of Marlborough moved up with the horse as near the enemy's intrenchments as was necessary to take a view of them. In the mean time, the artillery began to fire upon the enemy, who answered briskly from their batteries for about an hour, when the English and Dutch foot, supported by the horse and dragoons, began the attack with prodigious resolution, before the imperialists could arrive; but, having the greatest part of the enemy's forces to contend with, they were at first obliged to give ground. Soon after the imperialists came up very seasonably, and being led on in good order by prince Lewis of Baden, advanced to the enemy's works without once firing, threw their fascines into the ditch, and passed over with inconsiderable loss. The enemy's horse charged them vigorously, but were repulsed; and then, the imperial cavalry entering their intrenchments, and the English and Dutch breaking in about the same time, the confederates made a dreadful slaughter of the enemy. Lieutenant-general Goor, who commanded the first detachment of foot, and major-general Beinhelm, both in the Dutch service, lost their lives very much lamented. The horse and dragoons shared the glory of the day with the infantry, and all the confederate troops behaved themselves with incredible bravery and resolution. But, as the attack was begun by a battalion of the English foot-guards, and the regiments of Orkney and Ingoldsby, they suffered very much. The enemy's forces consisted of thirty-two thousand men, all choice troops, commanded in chief by count d'Arco, and under him by two Bavarian and two French lieutenant-generals. As soon as the confederates had possessed the intrenchments, the enemy ran away in great confusion to Donawert and the Danube; but, being closely pursued by the horse and dragoons, a great many followed the example of their generals, who saved themselves by swimming over that river. The loss of the enemy was computed to be about six thousand men. The confederates made themselves masters of sixteen pieces of cannon,

1704. thirteen colours, with all their tents and baggage. The duke of Marlborough gained great honour in this action, giving directions with extraordinary presence of mind, and exposing his person to the greatest danger. Prince Lewis of Baden was wounded, having performed the part of a brave experienced general; as was also the hereditary prince of Hesse-Cassel, who, throughout the whole action, gave signal proofs of an undaunted courage. Count Stirum was mortally wounded. General Thungen, count Horn, lieutenant-general Wood, major-general Paland, and several other officers of distinction, were likewise wounded. The next day, the Bavarian garrison quitted Donawert (a) upon the approach of the confederates, and broke down the bridges, but had not time to destroy their ammunition and provisions, as they had intended.

The elector of Bavaria was no sooner informed of the defeat of his troops at Schellenberg, then he quitted his strong camp between Dillingen and Lavingen, and came to the other side of the Danube, over-against Donawert, in his march to the river Leche, to prevent the confederates cutting off his retreat to his country.

On the 5th of July, the duke of Marlborough passed the Danube near Donawert; and, on the 17th, count de Frise, with a detachment of four-thousand men and twelve pieces of cannon, marched over the river Leche, and took post in the county of Bavaria. The whole army marched at the same time, and incamped with the right at Hamber, and the left at Ginderkingen. Upon the first notice of the allies having begun to pass the Leche, the garrison of Newburg marched out and retired to Ingoldstadt. Whereupon a detachment of dragoons was immediately sent out by the duke of Marlborough to take possession of that place; and prince Lewis of Baden ordered general Herberville, who commanded a separate body of between three and four-thousand men on the other side of the Danube, to remain there for the security of that important place, and for the drawing of provisions out of Franconia for the subsistence of the confederate troops, while they continued in Bavaria. On the 10th, the whole army passed the Leche; and, on the 13th
count

(a) Donawert is a city of Germany, in the confines of Suabia, Neuberg, and Bavaria. It was taken by the duke of Marlborough after the memorable victory above mentioned. It stands on the river Danube, twenty-five miles north of Augsburg, seventeen west of Neuburg, and forty-four north east of Ulm.

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count Vecklen, general of the Palatine horse, arrived from prince Eugene of Savoy with an account, that the marshals Villeroy and Tallard had passed the Rhine above fort Kehl, in order to succour the elector of Bavaria; for which reason he desired a reinforcement of horse, to enable him the better to observe the enemy's motions. Upon which prince Maximilian of Hanover was detached with thirty squadrons of imperial horse, with orders to join prince Eugene with all possible diligence.

The enemy having left a garrison at Rain (a), the confederate generals resolved to attack it; and, in order thereunto, the army decamped from Ginderkingen, passed the Leche, and came with the right to Stauda, and the left to Berchiem. The garrison at first seemed resolved to defend the place to the last extremity; but the besiegers playing upon the town with twenty-seven pieces of cannon, their approaches were carried on so successfully, that in two days the governor desired to capitulate: and, the articles being agreed on, the garrison marched out the next day, to the number of about four hundred foot, commanded by the count de Mercy, brigadier-general, and were conducted by a party of horse to the elector of Bavaria's camp near Augsburg. There were found in the place twenty four brass cannon, a considerable quantity of provisions, and some ammunition. The allies, encouraged by the success of their arms, were willing to push their advantages; and, on the 18th, marched to attack the post of Aicha, which had a garrison of eight or nine hundred Bavarians; who refusing to submit, were part of them put to the sword, the rest made prisoners of war, and the town permitted to be plundered by the soldiers. The confederate army having refreshed themselves two days at Aicha, marched from thence on the 21st, and the next day possessed themselves of Friburg.

The duke of Marlborough having now the elector of Bavaria at so great a disadvantage, entered upon a treaty with him, and offered him what terms he could desire, either for himself or his brother, even to the paying him the whole charge of the war, upon condition that he would immediately break with the French, and send his army into Italy to join with the imperialists there. The elector's subjects, who were now at mercy, pressed him vehemently to accept

(a) Rain is a little town in Germany, in the circle of Bavaria, near the Danube and Leche, six miles east of Donawert, and nine west of Neuberg.

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accept of these terms ; and he seemed inclined to hearken to them, and messengers went often between the two armies. But this was done only to gain time, for he sent courier after courier with most pressing instances to hasten the advance of the French army. When he saw, that he could gain no more time, the matter went so far, that articles were ordered to be made ready for signing, which, in conclusion, he refused to do. This refusal was highly resented by the duke of Marlborough and prince Lewis of Baden, who immediately sent out the count de la Tour, general of the imperial horse, and the count of east Friseland, lieutenant-general in the Dutch service, with thirty squadrons of horse and dragoons, to plunder and burn the country of Bavaria as far as Munich, the capital city, hoping, that either a generous compassion for his subjects, or the want of subsistence, would conquer the elector's obstinacy. In the mean time, the inhabitants of these parts were in the greatest consternation, and sent deputies to the duke of Marlborough, offering to pay large contributions to prevent military execution. But the duke replied, " That the forces of the queen of Great-Britain were not come into Bavaria to get money, but " to bring their prince to reason." The two generals therefore put their commission in execution with the utmost severity, while the elector of Bavaria and the marshal de Marlin, having evacuated Ratibon, were obliged to confine themselves within their strong camp and intrenchments at Augsburg, in expectation of another army from France under Marshal Tallard, which, notwithstanding all the vigilance and precaution of prince Eugene, arrived before the end of July at Biberach near Ulm, to the number of about twenty-two thousand men. Upon this, the elector marched with his army from Augsburg, and took that opportunity to join the French.

The confederate army, under the duke of Marlborough, having intelligence of these proceedings, decamped on the 4th of August from Friburg, and marched that night to Kippach.

The next morning they encamped from thence, and marched to Hokenwert, where they continued two days. During that time, the duke of Marlborough, prince Eugene, and prince Lewis of Baden held a council of war ; wherein it was agreed, that prince Lewis should besiege Ingoldstadt, whilst the other two were to observe the elector of Bavaria. On the 8th, the army under the duke of Marlborough marched from Hokenwert to St. Sanditzel ; and, on the 9th

9th from thence to Axheim ; and, at the same time, prince Lewis went another way, and bent his march directly to Newberg, in order to invest Ignoldstadt. The same day, the duke of Marlborough received advice, that the enemy had passed part of their army over the Danube, at Lewingen : Whereupon he ordered general Churchill to march with a strong detachment over that river at Schonevelt ; to reinforce prince Eugene, who lay encamped at Donawert. The 10th, they marched to Schonevelt ; and, the day following, intelligence was brought, that the enemy's troops had all got over the Danube ; so that the duke of Marlborough immediately ordered his army to march by break of day, and pass that river likewise ; which was performed accordingly, and, at night, the whole army, being rejoined, incamped at Munster. On the 12th, very early in the morning, the generals of the allies went to view the enemy's army, taking with them all the picquet guard, which consisted of twenty-eight squadrons. The duke of Marlborough and prince Eugene went up to the top of a tower called Thiffingen, that they might the better observe the posture of the enemy ; and they took notice, that their advanced squadrons, which were in motion towards the allies, stopped short, after they had perceived them. They were possessed of a very advantageous post, on a hill near Hochstet (a), their right flank being covered by the Danube, and the village of Blenheim (b), and the left by the village of Lutzingen ; and they had a rivulet before them, whose banks were very high, and the bottom marshy. However, after some consultation, it was thought proper to fall upon the enemy, before they had time to fortify themselves in that post. The duke of Marlborough and prince Eugene saw the

(a) Hochstet is a pretty large town in Germany, in the circle of Suabia, rendered famous to all posterity by the glorious victory obtained in its neighbourhood over the joint forces of France and Bavaria, by the English, Dutch, and imperial arms, under the conduct of the duke of Marlborough and prince Eugene of Savoy. It lies upon the Danube on the north-side, twenty nine miles south-west of Ulm, and ten miles

west-by-south of Donawert.

(b) Blenheim (alias Plenheim) a village in Germany in the circle of Bavaria, upon the confines of Suabia. It stands on the north-side of the Danube, and has, on the north-east side of it a very small rivulet called the Meul Weyer. It is three miles almost east from Hochstet, nine west-south-west from Donawert, thirty north-east from Ulm, and thirty one north-west from Augsburg.

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the danger of being forced to lie idle in their own camp, till their forage should be consumed, and their provisions spent. They had also intercepted letters from marshal Villeroy to the elector of Bavaria, by which it appeared, that he had orders to march into Wirtemberg, to destroy that country, and to cut off the communication with the Rhine, which must have been fatal to the allies. The necessary dispositions were therefore made for the next morning's action. Many of the general officers came and represented to the duke of Marlborough the difficulties of the design; he answered, that he saw these well, but the thing was absolutely necessary; so they were sent to give orders every where, which were received all over the army with an alacrity that gave a happy preface of the success which followed.

Battle of
Hochstet.
Brodrick.

On the 13th of August, a day which decided the elector's fate by the loss of all his country, early in the morning, the whole confederate army marched from Munster, leaving their tents standing; and the duke of Marlborough and prince Eugene, having posted themselves on a rising ground, summoned all the general officers, to give them the necessary directions, in order to attack the enemy; upon which, the army advanced to the plain, and were drawn up in order of battle. About nine o'clock, the enemy fired some cannon upon our troops, as they were marching to form the line, who were answered from our batteries with good success; and both armies continued cannonading each other till near one; during which time, the duke of Marlborough ordered a little rivulet and morass in the front of the enemy to be sounded; and, where it was found impassable, orders were given to the horse of the second line of the allies to provide themselves, each squadron with twenty fascines, to facilitate the passage. These preparations being made, the duke of Marlborough gave orders for a general attack, which was begun about one o'clock. Prince Eugene and the imperial general officers were on the right: general Churchill, the lord Cutts, lieutenant-general Lumley, the lord Orkney, and lieutenant-general Ignoldby, with the rest of the English and Dutch generals, were on the left; and the duke of Marlborough in the center commanded the whole. Major-general Wilks made the first onset, with five English battalions of Howe, Ignoldby, Marlborough, Rowe, and North and Grey, and four battalions of Hessians, supported by the lord Cutts, and major-general St. Paul, with eleven other battalions, and fifteen squadrons of horse, under the com.

command of major general Wood. The five English battalions, led on by brigadier Rowe, who charged on foot at the head of his own regiment with unparalleled intrepidity, assaulted the village of Blenheim, advancing to the very muzzels of the enemy's muskets, and some of the officers exchanging thrusts of swords with the French thro' the palisadoes. But, being exposed to a fire much superior to their own, they were soon obliged to retire, leaving behind them one third part of their men either killed or mortally wounded, the brigadier who commanded them, being among the last. In this retreat, they were pursued by thirteen squadrons of the French gendarmerie and carabineers, who would have intirely cut them to pieces, had not the Hessian infantry stopped their career, by the great fire they made upon them. The French being repulsed, and forced to fly in their turn, were chased by five squadrons of English horse, who, by this time had passed the rivulet; but whilst the enemy rallied themselves, some fresh brigades, superior in number, came to their assistance, charged the assailants with great vigour, and obliged many of them to repass the rivulet with great precipitation. Here again the Hessian foot performed signal service, putting the French to the rout by their continual fire, and regaining the colours, which they had taken from Rowe's regiment.

While Rowe's brigade rallied themselves, that of Ferguson, commanded by himself, attacked the village of Blenheim, on the left, but with no better success; and, though both returned three or four times to the charge with equal vigour, yet they were both still repulsed with like disadvantage, so that it was found impossible to force the enemy in that post, without intirely sacrificing the confederate infantry.

The English foot having thus begun the engagement on the left, the horse of the same wing passed the rivulet, with great bravery, over against the center or main battalia of the enemy; as did likewise that of the right wing, having made several passages with divers pieces of wood. After which they drew up in order of battle, the French and Bavarians giving them all the time that could be desired for that purpose, keeping themselves very quiet on the hills, which they were possessed of, without descending into the meadows towards the rivulet, so that even the second line of the horse had time to form themselves: And to this capital fault of the French, the confederates were thought to have owed principally their victory. This neglect is said to have

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have proceeded from an ill-timed haughtiness and presumption of marshal de Tallard, who, being informed that the allies were laying bridges on the rivulet, used this expression, "If they have not bridges enough, I will lend them some;" and when they told him that our troops were actually coming over the rivulet, he is reported to have said, "Let them pass; the more comes over, the more we shall have to kill and make prisoners." But, on the other hand, it is alledged by some that he had given positive orders not to let the enemy pass the rivulet, but to charge them as they passed; which orders were not executed (a).

At

(a) Monsieur de Fequieres in his memoirs observes, that the loss of that battle was owing to the inattention of the French generals to those maxims of war, which ought to guide men, when they consider, whether they have sufficient reasons either to give or receive battle, or whether they can derive, from the particular disposition of their troops, any reasonable hopes of defeating the enemy. In examining this subject, the marquis points out first the errors, that were committed with reference to the general state of the war in Germany previous to the battle, and then those errors, which appeared in the particular disposition of the French army. With regard to the first point, he asserts, that it was absolutely improper at that time, to trust the decision of the war in Germany to the event of a single battle; and this truth was the less doubtful, because it appeared that the English and Dutch had almost abandoned the war in Flanders in that campaign, to make a decisive effort in Germany, without which the emperor could no longer have supported himself,

nor could they have drawn any supplies of men from Germany. The French ought therefore to have avoided this battle, since they could have maintained their situation, if they had only compelled the English and Dutch, either to withdraw from that country, or intirely to discontinue the war in Flanders. The elector of Bavaria was master of the whole course of the Danube, almost from its source to the frontiers of Austria, into which he could penetrate when he pleased; and therefore the emperor, whose attention was then employed by the malecontents in Hungary, was likewise obliged to have a watchful eye on Austria and Tirol, as well for the preservation of these provinces, as the security of a free communication with his army in Italy.

The bridges, which the elector of Bavaria had on the Danube, opened to him a free communication with the Upper-Palatinate. The emperor consequently must be always apprehensive, that he would pour a body of troops into Bohemia, where the people were exceed-

At length the duke's cavalry moving towards the hill, that of marshal de Tallard came down, and charged them with 1704.

exceeding exasperated at the severity of the imperial government, and where their fears were the only motives to their submission: which made it likewise necessary for the emperor to maintain a body of troops to cover Bohemia and Moravia. Nuremberg, an imperial city, and almost in the heart of the empire, being the most considerable city in all the circle of Franconia, it was incumbent on the emperor to preserve it in the interest of the confederates, lest the elector of Bavaria should make himself master of it, as he had already seized Ulm and Augsberg. Nuremberg therefore could not be preserved by the protection of the confederate army, which consequently could not withdraw to any great distance from that city, whose preservation was of the more importance to the emperor, since the loss of it would deprive him of all communication with his dominions on the Rhine, except thro' the country on the other side of the Mein, which the situation of Nuremberg would have rendered altogether impracticable. It was likewise evident that the confederate army could not retreat to any considerable distance from a city, where all their ammunition and provisions were deposited. The allies indeed by forcing the pass at Schellenberg, and taking Donawert, had obtained a bridge over the Danube, and separated the fortified places of the French on the upper Danube, from those on the Lower. But, as their

provisions were still lodged either in Nuremberg or Norlingen, they durst not venture to quit Franconia and Suabia, to advance into Bavaria. This obvious reflection was alone sufficient to convince the French generals, that their inducements to engage the enemy could not possibly have any weight, but that it was rather their interest to decline a general action, especially as this cautious conduct would infallibly have obliged the allies to abandon the parts adjacent to the Danube, when they had consumed all the forage near that river.

Marshal de Villeroy was posted with a considerable army before the lines of Biel, which prince Eugene had quitted, with the greatest part of his regular troops, and unperceived by that general. The conjunction of this prince with the duke of Marlborough, was generally known; and marshal de Villeroy might have waked from his inactivity, and forced the lines, which were only guarded by an inconsiderable body of militia; and might afterward have advanced with his army through the duchy of Wirtemberg, to the Neckar, which would have rendered the allies incapable of preserving their communication with the Lower-Neckar for the security of their provisions, which were conveyed to Norlingen, from the Rhine and the Mein. And thus would this single motion have limited the supply of the provisions of the allies to Nuremberg, and consequently they

1704. with a great deal of fury ; the French infantry, which were posted at Blenheim, making at the same time a terrible fire from

they could never think it safe to be remote from that city.

Marshal de Villeroy might even have compelled the allies to retire, in part, to the Rhine, and leave the elector of Bavaria to act with freedom in the heart of Germany, if that general had forced the lines of Biel, and then marched his army down the Rhine near Philipsburg. For this motion alone would have obliged the enemy to separate, in order to protect Philipsburg, and the Lower-Neckar. This march might likewise have been effected without the least danger, because, when the lines had once been forced, marshal de Villeroy might have thrown a bridge over the Rhine, in case the allies had approached him with all their forces ; and, if they had attempted that motion, they would have abandoned Austria, and even the city of Vienna, to the elector of Bavaria.

These were the errors committed with respect to the general state of the war in Germany : the rest related to the particular disposition and order of battle, and were as follow :

1. The French and Bavarians incamped their two armies, as if they were to engage separately.

2. They disposed them on the day of battle, in the order of their incampment, and only in the front of the camp.

3. They did not chuse their field of battle so near the rivulet as would have prevented the allies from passing it, and not

have left them a sufficient extent of ground to form their troops between the rivulet and the front of the French line.

4. They neglected to advance their right and center upon the allies, when they saw they had passed the rivulet, and formed themselves on the front of the French.

5. They had not the precaution to take a strict view of the rivulet, when they arrived at their camp ; and were so inconsiderate, as not to post a body of infantry along the bank for the security of their camp, and to gain intelligence of the motions of the allies.

6. They were so injudicious, as to form their center of battle out of the right and left wings of their two armies, instead of providing a formidable center of infantry.

7. They shut up the greatest and best part of marshal de Tallard's infantry in the village of Blenheim, where they were posted without the least order, and rendered incapable of forming any motion ; and they had not even the least precaution to secure a communication from one brigade or regiment to another.

8. They did not survey the ground, which extended from their right to the rivulet and the Danube, and they posted dragoons there instead of infantry.

9. When they arrived at their camp, they neglected to detach a body of cavalry, beyond the left of their armies, to observe the

from behind some hedges on their flank, which were advanced too near that village, so that the first line was put into such disorder, that part of them retired beyond the rivulet.

the situation of the camp of the allies, which they were unacquainted with to such a degree, as not to know that prince Eugene had joined the duke of Marlborough with his army; and they imagined, that the prince of Baden was engaged with a considerable body of troops at the siege of Ingoldstadt.

10. After the first disorder in their grand center of cavalry, and after they had shrunk from their ground, till they formed a confused line with the infantry, who were embarrassed in the village of Blenheim, the elector of Bavaria's army did not close on their right, to form an attack in flank upon the enemy, who had advanced beyond the interval of ground, that extended between the two villages. Had they disposed themselves into this motion, they might either have sustained or drawn off the French infantry from Blenheim, and have given their cavalry, who had been disordered by the fire of the enemy's foot, an opportunity of rallying in order of battle. But, instead of this obvious motion, that whole army was only attentive on their retreat to Ulm; and they abandoned marshal de Tallard's infantry, while the cavalry of that general's army never attempted to recover their proper order, or make any effort to disengage their infantry, when they saw the elector's army retreat from the field of battle.

11. When marshal de Tallard

was taken prisoner, and the center of the French army intirely thrown into disorder, not one of the general officers of the marshal's army made the least endeavour to draw the infantry from Blenheim, while they had an opportunity of affording them that relief, by marching them along the Danube, till they had rejoined their cavalry; but, on the contrary, those who were charged, in particular, with the command of the body of infantry, either intirely abandoned them, even before they were attacked, when they saw the cavalry defeated, and plunging themselves into the Danube, in hopes of swimming to the other side; or else they continued in the village without daring to leave it, and were even so destitute of thought, as not to attempt any communication between the battalions. In short, they seemed to continue there with no other view than to charge themselves with the despicable province of making a brave set of battalions lay down their arms with reluctance, and of surrendering to the enemy twenty-seven battalions and twelve squadrons of the best troops of France; which was so infamous an action, that it would scarce be credited by posterity, especially when it is informed, that, except one brigadier of foot, who was broke, all the other authots or spectators of this contemptible timidity were rewarded and advanced to stations of dignity.

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vulet. Upon this, the duke gave orders to lieutenant-general Bulaw, commander in chief of the troops of Lunenburg, to bring up his own regiment of dragoons, and two of the troops of Zell, which charged the enemy's horse with so much vigour, that they broke them, and drove them beyond the second rivulet, called Meul Weyer, and from thence to the very hedges of the village of Blenheim. This gave time to those, who had given ground, to repass the rivulet, and to form a second line behind those regiments of dragoons, and some others, that had joined them, so that those dragoons remained in the first line during the rest of the action.

The cavalry of the confederates left wing, having by this success gained the advantage of forming themselves intirely in order of battle, advanced leisurely to the top of the hill, and several times charged the enemy's horse, who were always routed, but who, nevertheless, rallied every time, though at a considerable distance, and thereby gave the allies an opportunity of gaining ground. As the duke of Marlborough, who was now in person among them, was preparing a fresh attack, marshal de Tallard caused ten of his battalions to advance, to fill up the intervals of his cavalry, in order to make a last effort; which, the duke perceiving, caused three battalions of the troops of Zell to come up and sustain the horse. Then the prince of Hesse Cassel, general of the horse, and the lieutenant-generals Lumley, Bulaw, Hompesch, and Ingoldby, returned with their troops to the charge; but the superior fire of the enemy's infantry put their first line into some disorder, so that it shrunk back, and remained, for some time, at about sixty paces distant from the enemy, neither party advancing against the other. At length, the confederates pushed forwards with so much bravery and success, that, having broke and routed the enemy's horse, the ten battalions, who found themselves abandoned by them, were cut to pieces, none escaping, but a very few soldiers, who threw themselves on the ground, as dead, to save their lives.

Marshal de Tallard rallied his broken cavalry behind some tents, which were still standing in his camp; and, seeing things in this desperate condition, resolved to draw off his dragoons and infantry out of the village of Blenheim. He thereupon sent one of his aids-de-camp to marshal de Marfin, who, with the elector of Bavaria, commanded on the left, to desire him, "to face the enemy
" with

“ with some troops on the right of the village of Oberklau, 1704.
 “ to keep them in play, and favour the retreat of the in-
 “ fantry, that was in Blenheim.” But marshal de Marfin
 represented to the messenger, “ That he had too much bu-
 “ siness in the front of the village, where he was posted,
 “ and where he had to deal with the duke of Marlborough,
 “ who was come to the assistance of prince Eugene, as
 “ well as in the rest of the line, to spare any troops; since
 “ he was so far from being victorious, that all he could do
 “ was to maintain his ground.”

In the mean time, Ingoldby made the other generals of the same attack sensible, how easily they might intirely defeat the French cavalry, by charging them on the right flank. This advice being put into execution with a great deal of vigour, the enemy were soon thrown into disorder, and put to flight, part of them endeavouring to gain the bridge, which they had over the Danube, between Blenheim and Hochstet; and the other part, among whom were the Gens d'Armes, were closely pursued by the Lunenburgh dragoons, and those, who escaped the slaughter, threw themselves into the Danube, where most of them were drowned. Those, who fled towards Hochstet, rallied once more, making a shew to succour the rest; but the same regiment of Bothmar faced them, and kept them in awe for some time, till it was joined by some other regiments, when the enemy made the best of their way to save themselves by flight.

The marshal de Tallard was surrounded by the fugitives, and taken near a mill, behind the village of Sonderen, not far from the Danube, by monsieur de Boinenburg, a lieutenant-colonel of the troops of Hesse, aid-de-camp to the prince of Hesse-Cassel. The marquis de Montperoux, general of horse; de Seppeville, de Silly, and de la Valiere, major-generals; monsieur de la Messiliere, St. Pouange, de Legondais, and several other officers of note, were likewise made prisoners in this defeat.

While these things passed at the village of Blenheim, and in the center, the duke of Marlborough caused the village of Oberklau, which was marshal de Marfin's quarters, to be attacked by the brigade of Berensdorf, consisting of ten battalions. The prince of Holstein-Beck, who commanded them as major-general, passed the rivulet at the head of two battalions, with undaunted resolution. But as the imperial cavalry, which was to have supported him, were wanting in their duty, and kept musket-shot from him, he was scarce

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got over, when seven or eight of the enemy's battalions fell upon him with great fury, before he could form his two battalions; so that one of them, that of Goor, was almost intirely cut to pieces, and the prince himself desperately wounded and taken prisoner. But, notwithstanding this first shock, these battalions were no sooner supported by some Danish and Hanoverian cavalry, than they charged a second time, but with no better success; till, upon the third charge, the duke of Marlborough having himself brought up some squadrons, which were supported by others of the body of reserve, made them advance with some battalions beyond the rivulet; upon which the enemy began to retire.

As soon as the duke had performed this considerable service, he repaired to the center, where, finding the action decided in favour of the confederates, he caused part of his victorious cavalry to halt, to observe the motions of that part of the enemy, which, by this time, was drawn up beyond the morafs of Hochstet. During this halt, the elector of Bavaria, whom prince Eugene could make no impreffion upon for some time, but whose bravery at last put that elector's troops to the rout, was perceived making his retreat from the village of Lutzingen. Upon which, orders were dispatched to the baron de Hompesch (who with several squadrons was pursuing the fugitives towards Morfelingen, and who had already overtaken and forced two of their battalions to lay down their arms) to face about, and march to join those who halted, as well to prevent the elector's falling upon Hompesch's rear, as to form a body, in order to charge that prince, who marched in great haste, but in pretty good order, with his squadrons on the left, and his battalions on the right. But, before general Hompesch returned from his chace, the right wing of the confederate army was perceived at some distance behind the elector; and, appearing to be part of his army marching in such a manner, as might easily have flanked them, had the duke immediately charged him, the duke, with great prudence, sent out a party to view them. During this time, the elector continued marching off with great precipitation, till he reached the morafs of Morfelingen.

The French horse being entirely defeated, and the confederates masters of all the ground, which was between the enemy's left and the village of Blenheim, the twenty-eight battalions and twelve squadrons of dragoons, which were in the village, found themselves cut off from the rest of their army, and, despairing of being able to make their escape,

after

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after a weak attempt to repulse the infantry, who surrounded them, capitulated about eight in the evening, laid down their arms, delivered their colours and standards, and surrendered themselves prisoners of war, on condition that the officers should not be searched.

This defeat cost the enemy, by their own accounts in several intercepted letters, forty thousand men, in which number they included four or five thousand lost in their precipitate retreat to the Black Forest, either by desertion, or the pursuit of the hussars or peasants, who made a great slaughter of the stragglers. This computation does not seem improbable, considering the number of prisoners taken, which exceeded thirteen thousand, of whom above one thousand two hundred were officers; that ten French battalions on their right were cut in pieces, and above thirty squadrons of horse and dragoons forced into the Danube, most of whom were drowned: That their left wing suffered very much, especially the foot: That besides ninety-five officers, who were found at Hochstet, Dillengen and Lavingen; and that the number of the wounded, whom they brought off from Ulm, were above seven thousand men: The confederates gained above one hundred pieces of cannon, twenty-four mortars, one hundred and twenty-nine colours, one hundred and seventy-one standards, seventeen pair of kettledrums, three thousand six hundred tents, thirty-four coaches, three hundred laden mules, two bridges of boats, fifteen pontoons, twenty-four barrels and eight casks of silver. But this success cost them four thousand four hundred and eighty-five men killed, seven thousand five hundred and twenty-five wounded, and two hundred and seventy-three left or made prisoners.

The emperor made great acknowledgments to the duke of Marlborough for this signal service, and offered to make him a prince of the empire, which the duke said he could not decently accept of, till he knew the queen's pleasure; and, upon her consenting to it, he was created a prince of the empire, and about a year after, Mindelheim was assigned him for his principality.

The success of the battle having entirely changed the face of affairs in the empire, and saved the house of Austria from ruin, the duke of Marlborough, being willing to lose no time, and judging it more advantageous for the common cause to join all the confederate forces together, to straiten the enemy as much as possible, and oblige them to abandon Germany, and repass the Rhine, sent an express to prince

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Lewis of Baden, to leave the siege of Ingoldstadt, and rejoin the army with the forces under his command; considering, that not only that city, but the whole country of Bavaria, must fall of course into the emperor's hands. The duke's and prince Eugene's opinion was confirmed by the example of the city of Augsbourg, which the French abandoned, carrying with them four hostages, as a security for two thousand sick and wounded men, whom they left in that place. The magistrates being assembled immediately after, sent four deputies to the duke of Marlborough to desire his protection; who answered them, that they had nothing to fear from the troops of her Britannic majesty and the States-General, which were only sent against the enemies of the empire and their allies. And thereupon he ordered a detachment to march, and take possession of that important place. Soon after marshal de Tallard, with the prisoners of distinction, were sent towards Hanau and Francfort under a guard of dragoons, and the other prisoners were sent into the adjacent places.

On the 21st of August, the duke encamped at Sefellingen, within half a league of Ulm; and the next day the governor of Ulm, who apprehended a siege, sent out of the town four hundred and thirty prisoners, which the enemy had taken at Hochstet, Dillengen, and other places, with a compliment to the duke, that he would be pleased to take an opportunity to return an equal number; and, those persons being Germans, the duke sent them to prince Eugene. On the 25th, the duke, prince Eugene, and prince Lewis of Baden had a long conference, wherein they concerted the further operations of the campaign; and it was resolved, that, seeing the enemy were returning towards the Rhine, all the confederate forces should likewise march that way, except twenty-three battalions and some squadrons, which should be left under the command of general Thungen to carry on the siege of Ulm. In pursuance whereof, the confederate troops began their march from the neighbourhood of Ulm, on the 26th of August, by different roads, to the general rendezvous of the army which was appointed to be at Bruchsal near Philipsburgh. From that day the confederate army was in motion till the 9th of September, when a party of imperial horse, having met some squadrons of the enemy, commanded by the duke de Montfort, a major-general, who had been conducting four battalions and a sum of money into Landau, fell upon them with great vigour, and routed them, killing above one hundred upon the spot, taking several prisoners,

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prisoners, and mortally wounding their commander. On the 12th, prince Lewis of Baden marched towards Landau, with the troops appointed to besiege that place; and the duke of Marlborough, with prince Eugene, came to the camp of Croon Weissenburgh, in order to cover the siege. The same night, the duke received an express from general Thungen, importing, that, having formed the siege of Ulm, and received his great Artillery, the garrison beat a parley the 10th, and the next day surrendered that place upon honourable terms; which he was willing to grant, that no time might be lost for the further execution of the projects of this campaign. The imperialists found in Ulm two hundred and twenty-two pieces of brass cannon, twenty-five brass mortars, one thousand two hundred barrels of powder, with a considerable quantity of provisions, which were seasonably applied to the carrying on the siege of Landau, which prince Lewis of Baden insisted on, as necessary to secure the circles, Suabia in particular, from the excursions of that garrison. This was popular in Germany, and, though the duke did not approve it, he did not oppose it with all the authority, that his great success gave him. This was universally blamed, for, while France was in the consternation, which their late great loss brought them under, a more vigorous proceeding was like to have greater effects; and, besides that the imperial army was ill-provided, the great charge of a siege was above their strength. Prince Lewis suffered much in his reputation for this undertaking: It was that which the French wished for, and therefore it was suspected, that some secret practice had prevailed on that prince to propose it. It is certain, that he was jealous of the glory which the duke of Marlborough had obtained, and in which himself had no share; and it was believed, that if he had not gone to besiege Ingoldstadt, the battle of Hochstet had never been fought. He was indeed so fierce a bigot in his religion, that he could not bear the successes of those whom he called heretics, and the exaltation which he thought heresy might have upon it (1.) While the duke of Marlborough lay covering the siege, marshal de Villeroy, with

The siege
of Landau.

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(1) Dr. Hare, in his *Second Letter to a Tory-Member concerning the Management of the War*, p. 12. 3d Edit. gives us this account of the duke's own designs in this campaign: "Flanders, says he, was, at the beginning of the war, a very bad part to attack France in: it was covered with so strong a frontier. It was or this reason

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with his army came and looked on him; but as the soldiers of the confederates were exalted with their success, so the French were too much dispirited with their losses to make any attack, or to put any thing to hazard, in order to raise the siege. They retired back, and went into quarters, and trusted to the bad state of the imperial army, who were ill-provided and ill-supplied. The garrison made as vigorous a defence, and drew out the siege to as great a length, as could be expected. Prince Lewis had neither engineers,

“ reason the duke of Marlbo-
 “ rough looked out for another
 “ scene of action, and did all
 “ that could be done on his
 “ part towards it; and therefore
 “ when he had in the two first
 “ campaigns driven the French
 “ from Nimeguen to Namur,
 “ and had set the Dutch at ease
 “ by the reduction of Guelder
 “ and Limburg, and cleared the
 “ Rhine by taking Bonne. he
 “ did not the third year content
 “ himself with walking up and
 “ down in the neighbourhood
 “ of Holland, where there was
 “ no prospect of doing any
 “ thing to the purpose, but
 “ marched into the heart of
 “ Germany, forced the strong
 “ post of Schellenburg before
 “ the end of June, which is the
 “ key of Bavaria; and, had
 “ the ammunition and artillery
 “ been ready, as the duke had
 “ been assured it was, he had
 “ marched directly to Munich,
 “ and, without the hazard of
 “ another battle, had in a fort-
 “ night’s time not only extin-
 “ guished that fatal war, that
 “ threatened nothing less than
 “ the ruin of the whole empire,
 “ but had gained the elector
 “ also over to the side of the
 “ allies, who, could he have
 “ been persuaded to make their

“ interest his own, might have
 “ done the greatest service to
 “ the common cause, both in
 “ Germany and Flanders. But
 “ when that point was lost, and
 “ the inability of the Germans
 “ to make a siege, had encour-
 “ aged the elector to break off
 “ the treaty he had entered
 “ into, and the sword had de-
 “ cided the fate of his country,
 “ what part did the duke of
 “ Marlborough take next? Not
 “ that of returning to Flanders.
 “ No, he improved the rest of
 “ that wonderful campaign to
 “ facilitate the operations of the
 “ next, in a part where France
 “ might be more easily attack-
 “ ed. He passed the Rhine
 “ before the end of August,
 “ and made, or rather submitted
 “ to the making the siege of
 “ Landau by prince Lewis,
 “ while he covered it: And,
 “ that the unexpected length of
 “ the siege might not break his
 “ design, without waiting for
 “ the end of it, he advanced
 “ with a body of troops to the
 “ Saar, surprized Treves, and
 “ possessed himself of other pro-
 “ per posts for erecting maga-
 “ zines, and opening the next
 “ campaign with the siege of
 “ Saar-Lewis.”

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 gineers, nor ammunition, and wanted money to provide them; so that, if the duke had not supplied him, he must have been forced to give it over. The king of the Romans came again, to have the honour of taking the place: But his behaviour there did not serve to raise his character; for he was not often in the places of danger, and was content to look on at a great and safe distance. He was likewise constantly beset with priests, and such a face of superstition and bigotry appeared about him, that it very much damped the hopes that were given of him. However, on the 23d of November, the besiegers having lodged themselves on the counterscarps both on the right and left, and sufficient breaches being opened, the next morning the necessary dispositions were made for a general assault, and five thousand men were commanded upon that service. The besieged, being therefore reduced to this extremity, were obliged to beat a parley between ten and eleven o'clock, whereupon Landau hostages were exchanged, and the capitulation signed the same day, consisting of twenty-eight articles, which were in effect much the same as those granted by the Imperialists to monsieur de Melac two years before, and by the French to the count de Frize the preceding campaign. On the 26th, the besieged marched out of Landau to the number of three thousand four hundred, who survived out of seven thousand men, of whom the garrison consisted at the beginning of the siege. The king of the Romans, having entered the place, found it reduced to a heap of rubbish, and having given the command of it to the count de Frize, who had before maintained that post with great courage and ability, his majesty set out for Vienna, having ordered prince Eugene to settle the affairs of Bavaria, and left to prince Lewis of Baden the disposition of the forces on the Rhine.

The confederates, omitting nothing that might advance Traer- the glory, which they had already acquired in Bavaria, resolved to prosecute the siege of Traerbach. To which end, sieged, the duke of Marlborough marched towards the Moselle with a considerable army, which he left under the command of rendered, the hereditary prince of Hesse-Cassel, as also the direction of the attacks of that place. The castle was invested in the beginning of November, and the approaches were carried with such success, that, on the 21st, the besiegers attempted to storm it. But as they were climbing up the eminences (the rock, on which that fortress is built, proving very steep, and the weather exceedingly stormy) the garrison made so vigorous a defence, that the assailants were obliged

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The Duke
of Marl-
borough
goes to
Berlin,
Hanover,
&c.
Brodrick,
Burnet.

and ar-
rives in
England,
Dec. 11.

Proceed-
ings in the
Nether-
lands.
Brodrick.

obliged to retire with considerable loss. Notwithstanding these discouragements, the prince of Hesse was resolved to carry on the siege with the utmost vigour; and, on the 20th of December, obliged the garrison to surrender on honourable conditions. The confederates met with a great deal of difficulty and opposition in all the attacks; and the baron de Trogne, the States chief engineer, was shot by the prince of Hesse's side, as he was giving the necessary directions; and they had above a thousand men killed or wounded.

During the siege of Traerbach, the duke of Marlborough went to the court of Prussia, to negotiate that eight thousand Prussians might be sent to Italy the next campaign, to serve there for the relief of the duke of Savoy, under the command of prince Eugene. He was received at Berlin, and all other places, through which he passed, with the highest respect; and thence he proceeded to the court of Hanover, where he arrived on the 1st of December, and thence continued his journey to the Hague, where he was congratulated by the deputies of the States-General, upon his victories at Schellenberg and Hochstet; and was as much considered and submitted to in Holland, as if he had been their stadtholder. The credit, which he was in among them, was very happy for them, and was, indeed, necessary at that time for keeping down their factions and animosities, which were rising in every province, and in most of their towns. Only Amsterdam, as it was the most sensible of the common danger, so it was not only quiet within itself, but it contributed not a little to keep all the rest so, which was chiefly maintained by the duke of Marlborough's prudent management; who, having settled all matters relating to the ensuing campaign, embarked for England, and arrived at London the 11th of December.

The occurrences in Brabant and Flanders this campaign were of no considerable importance. As the great bodies were in such violent motion in Bavaria which was the theatre of the war, little, besides the protection of the country on each side, was intended here. However, on the 1st of June, monsieur Auverquerque decamped from the neighbourhood of Maestricht, and marched directly towards the enemy, who being surprized at this motion, and unwilling to hazard a battle, after they were prevented in their design upon Tongeren, marched about and got into their lines. General Dopff, perceiving them to be in some disorder, advanced with thirty squadrons of horse and dragoons, and forced the French lines with little opposition. But, a council

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council of war being called, it was thought not adviseable for him to continue in that post, lest the enemy should fall upon his detachment with a superior force, before the rest of the army could come up; so that he had not continued there above three hours, before he quitted the lines, and rejoined the army. On the first of July, the baron de Trogne was detached with a considerable body of men, who marched towards Liege, and monsieur Auverquerque followed him. On the 5th, the baron being reinforced from Liege and Huy, he advanced to the enemies lines, which he entered at eight in the morning, and took post at Mœordorp. Monsieur Auverquerque endeavoured to sustain him; but this enterprize had no better success than the former; for, the rivers Herk and Demer overflowing, and retarding the march of the army, it was judged impossible to come up soon enough to support him; upon which he retired out of the lines the same evening.

Upon the 2d of July, a body of nine thousand Dutch troops, commanded by general Spaar, appeared before Bruges, and were warmly received by the cannon of the town. In the evening they raised batteries, and the next morning began to throw bombs, carcases and red-hot bullets into the place, which did great execution, several houses being entirely demolished, and others very much shattered. Whereupon the inhabitants, to prevent farther mischief, offered to pay six hundred thousand guilders in six months time, which the baron accepted, and so retired to Maldeghem. On the 22d, the army under monsieur Auverquerque, passed the Maese, and advanced to Namur, which they bombarded from the 26th to the 29th, setting on fire their magazines, and doing very great damage to the inhabitants. The loss sustained by the Dutch was very inconsiderable, though the garrison fired furiously all the time from their cannon and mortars. During these hostilities, a detachment of horse and foot was sent up to Dinant, where they took post, and part of them passed over from thence into the country between the Sambre and Maese, which struck such a terror into the neighbouring country, that they exacted from thence great contributions. About the same time, the Dutch forces made themselves masters of fort Isabella, and demolished it.

The elector of Bavaria, who had retired to Brussels after his misfortunes, formed, at the end of the campaign, a project of surprizing general Auverquerque, hoping by that means, in some measure, to repair the disadvantages, which he

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The elector of Bavaria prevented by the French from attacking M. Auverquerque.

he had sustained in Bavaria. For this purpose he ordered all his forces, with a great number of waggons, to join at Türlmont. The French court, being apprehensive of the elector's designs, sent marshal de Villeroy to watch his motions, and to prevent an engagement, unless he had a very fair prospect of a return of better fortune. At his arrival in the army, he was surprized to see monsieur Auverquerque waiting in his camp at Borch-loen, ready to receive them. This obliged him to represent to the elector the difficulties of attacking the confederates; the advantage of their camp; the bravery of their troops, encouraged by the success of their affairs in Germany; and the ill consequences, which the loss of a battle would be attended with. The elector, who was oppressed with disgraces, was determined on nothing but revenge, and insisted upon an engagement. The marshal, after a very warm debate with him on that subject, told him, that he would not march; and, to put an end to the dispute, produced the king's order. The elector, being thus frustrated in his designs, returned to Brussels, his former seat of pleasure and gallantry.

Affairs at sea.

Burnet.

At sea, this summer, affairs were carried on much more doubtfully than at land. Sir George Rooke sailed into the Straits, where he reckoned he was strong enough for the Toulon squadron, which was then abroad in the Mediterranean. Soon after that a strong squadron from Brest passed by Lisbon into the Straits. Mr. Methuen, the english ambassador in Portugal, apprehending, that, if these two squadrons should join to attack sir George Rooke, it would not be possible for him to fight against so great a force, sent a man of war, which that admiral had left at Lisbon, with some particular orders, which made the captain very unwilling to carry the message; but the ambassador promised to indemnify him. The captain sailed through the French fleet, and brought this important advertisement to sir George Rooke, who told him, that on this occasion he would pass by his not observing his orders, but that, for the future, he would find the safest course was to obey orders. Upon this sir George stood out of the way of the French towards the mouth of the Straits, and there met sir Cloudesly Shovel with a squadron of our best ships, with which being reinforced, he sailed up the Straits again, being now in a condition to engage the French. He came before Barcelona, where the prince of Hesse-Darmstadt assured him, there was a strong party ready to declare for king Charles, as it was certain there was a disposition in many to do it. But sir George

George would not stay above three days before that city; so that the motions within the town, and the discoveries which many made of their inclinations, had almost proved fatal to them. He answered, when pressed to stay a few days more, that his orders were positive; and that he must sail towards Nice, which it was believed the French intended to besiege. But, as he was sailing that way, he received advice, that the French had made no advances in that design; and therefore he turned his course westward, and came in sight of the French fleet, sailing from Brest to Toulon. The advantage, which he had, was so visible, that it was expected, he would have made towards the enemy, but he did not. What orders he had was not known, for the matter never came under examination. The French got to Toulon, and he steered another way. The whole French fleet was then together in that harbour, for though the Toulon squadron had been out before, it was then in port. A very happy accident had preserved a rich fleet of merchant ships from Scanderoon under the convoy of three or four frigates, from falling into their hands. The French fleet lay in their way in the bay of Tunis; and nothing could have saved them from being taken, but that, which happened in the critical minute, in which they needed it. A thick fog covered them all the while that they were sailing by that bay, so that they had no apprehension of the danger they were in, till they had passed it.

Sir George Rooke, as he sailed back, fell in upon Gibraltar, which, in a council of war held, July 17, about seven leagues to the eastward of Tetuan, it was resolved to attack. Four days after, the fleet got into the bay, and one thousand eight hundred marines, English and Dutch, with the prince of Hesse Darmstadt at their head, were put on shore, on the neck of land to the northward of the town, to cut off any communication with the country. The prince having thus posted his men, sent a summons to the governor to surrender the place for the service of his catholic majesty; which he refusing, the admiral, the next day, gave orders that the ships which had been appointed to cannonade the town under the command of real-admiral Byng, and real-admiral Vanderdussen, as also those which were to batter the South-mole-head, commanded by captain Hicks in the Yarmouth, should range themselves accordingly. But, the wind blowing contrary, they could not possibly get into their places till the day was spent. In the mean time, to amuse

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Gibraltar taken.
Hist. of Europe.

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French: It was long before a certain account of the action was brought to England; but the modesty, with which the French king wrote of it to the archbishop of Paris, put us out of all fears; for, whereas the French stile was very boasting of their successes, in this case it was only said, that the action was to his advantage. From that cold expression the English concluded, that the victory was on their side. When the full account was sent home from our fleet, the partialities on both sides appeared very signally. The Tories magnified this as a great victory; but persons skilled in naval affairs, differed much in their sentiments, about sir George Rooke's conduct in that action, some not only justifying, but extolling it as much as others condemned it (a).

Sir

(a) Sir Cloudesley Shovel's letter on this occasion was as follows.

" This brings news of my health, and that we are on our way homeward: That which sends us home so soon, is a very sharp engagement we have had with the French: Our number of ships that fought in the line of battle were pretty equal: I think they were forty-nine, and we fifty-three; but sir George Rooke reserved some of the fifty-gun ships, to observe if they attempted any thing with their gallies, of which they had twenty-four. There ships did exceed in bigness. I judge they had seventeen three-deck ships, and we had but seven. The battle began on Sunday the 13th instant, soon after ten in the morning, and in the center and rear of the fleet it continued till night parted: but it the van of the fleet, where I commanded, and led by sir John Leake, we having the weather gage,

" gave me an opportunity of coming as near as I pleased, which was within pistol shot, before I fired a gun, thro' which means, and God's assistance, the enemy declined us, and were upon the run in less than four hours, by which time we had little wind, and their gallies towed off their lame ships and others as they pleased; for the admiral of the white and blue, with whom we fought, had seven gallies tending upon him. As soon as the enemy got out of the reach of our guns, and the battle continuing pretty hot astern, and some of our ships in the admiral's Squadron towing out of the line, which, I understood afterwards, was for want of shot, I ordered all the ships of my division to slack all their sails, to close the line in the center; this working had that good effect, that several of the enemies ships a-stern which had kept their line, having their top-sails and fore-sails set,

Sir George Rooke after the engagement, failed to Gibraltar, where he stayed eight days to refit; and, having supplied that place with men and provisions, failed from thence, and returned home with the great ships, leaving behind him eighteen men of war, under the command of sir John Leake, both for the defence of the coast of Portugal, and to be in readiness to succour Gibraltar, if there should be occasion. 1704. Sept. 4. N. S.

The success of affairs in Portugal this year was by no means answerable to the expectation of the allies. Affairs of Portugal.

After several councils of war held in the presence of their Catholic and Portuguese majesties, which passed not without some disputes between duke Schomberg and the Portuguese generals and ministers; the auxiliary forces of Burnet. Hist. of Europe Lamberti. Eng-

"set, shot up a-breast of us, as the rear-admiral of the white and blue, and some of his division; and the vice-admiral of the white and some of his division; but they were so warmly received before they got a broad side, that with their boats a-head, and their sprit-sails set, they towed from us without giving us the opportunity of firing at them.

"The ships, that suffered most in my division, were the *Lenox*, *Warspight*, *Tilbury*, and *Swift-sure*; the rest escaped pretty well, and I the best of all; though I never took greater pains in all my life to be soundly beaten; for I set all my sails, and rowed with three boats a-head, to get a long-side with the admiral of the white and blue; but he out-sailing me, shunned fighting, and lay a long-side of the little ships: notwithstanding, the engagement was very sharp, and, I think, the like between two fleets never has been in any

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"time. There is hardly a ship, that must not shift one mast, and some must shift all: a great many have suffered much, but none more than sir George Rooke and captain Jennings in the *St. George*. God send us well home: I believe we have not three spare top-masts, nor three fishes in the fleet, and I judge there are ten jury-masts now up. After the fight, we lay two days in the sight of the enemy, preparing for a second engagement, but the enemy declined and stood from us in the night."

Another writer expresses himself thus: "The sea-fight, though very bloody, was far from being decisive, not a ship being lost on either side. 'Tis certain the enemy were superior to us, both in weight and number; and, however many among us blamed the conduct of the admiral, he came off, when all things are impartially considered, much better than could have been expected. Both sides claimed

D

1704.

England and Holland began to land, the 16th of March, N. S. duke Schomberg had warmly insisted, that these auxiliaries might keep in a body; urging the inconveniences that might attend their separation. But the king of Portugal being unwilling to trust the defence of the frontier towns to his raw and undisciplined troops, and there happening some coldness between the English general and monsieur Fagel, who commanded the Dutch forces, at their very first interview, the English infantry had their quarters assigned

“ claimed a victory, which in
 “ truth neither of them had;
 “ both pretending to seek out
 “ the other, and to come to a second
 “ engagement, for which
 “ neither of them cared; and
 “ the want of sufficient ammunition,
 “ on our side, argued a weakness,
 “ to say no worse, and ought not easily
 “ to be pardoned.” In a letter from an officer on board the fleet in this engagement, are these words: “ All the while
 “ we were daring the enemy,
 “ we went on the career by turns,
 “ to stop our shot holes; so that had they engaged a
 “ second time, we must have engaged them board and
 “ board, and either have carried them, or sunk by their
 “ side. In a word, we were obliged to leave them, lest
 “ they should suspect our weakness,
 “ and force us to be desperate.”

During the action, were killed and wounded of the English two thousand three hundred and fifty-eight; of the Dutch four hundred; sir Andrew Leake, captain of the *Grafton*, captain Cow of the *Ranelagh*, lieutenant Jennings of the *St. George*, the third lieutenant of the *Shrewsbury*, and the first lieutenant of the *Lenox*, were all the of-

ficers of their rank that were killed; captain Myngs, captain Baker, captain Kirton, captain Jumper, captain Myghels, lieutenant Edisbury, and lieutenant Leslock, were wounded, as were two lieutenants of the *Barfleur*, and the chaplain, seven or eight lieutenants more, three masters, and about as many boatswains and carpenters.

On the French side were killed the baily of Lorrain, commodore of a squadron, and the count de Thoulouse's second; five captains, of which three were knights, a commissary of marines, six lieutenants, and five sea ensigns. Among the latter, the marshal de Chateauregnault's son, and the sieur de Bollem Villers, the count de Thoulouse's gentleman; the count himself was wounded in the forehead, shoulder, and thigh; the count de Relingnes had his leg shot off; the marquis de Hierbault, intendant of the fleet; monsieur du Casse, commodore of a squadron; monsieur de Chateauregnault; the count de Philepaux, the count de Cominges, monsieur de Valincourt, the count de Thoulouse's secretary, seven captains, eight lieutenants, and about one hundred and fifty other officers were wounded.

1704.

signed in Olivenza, Elvas, Portalegre, and other places in the province of Alentejo; and the Dutch were sent up the Tagus towards Abrantes. The king of Portugal, by his treaties with England and Holland, had engaged to furnish horses to mount the cavalry and dragoons of these two nations; but, whilst the king of Spain, Charles, was detained in Holland and England by contrary winds, the French ambassador in Portugal, with great industry, had bought up the best horses of that kingdom; so that, most of the horses, which his Portuguese majesty's officers afterwards provided for the English and Dutch auxiliaries, being neither of a size nor strength fit for service, scarce one third part of the troopers and dragoons were mounted this campaign. Neither was there better provision made for sick soldiers, who, after so tedious a passage, could not but be very numerous, and of whom many died for want of attendance and necessaries. Another cause of the ill success of the campaign was, that, though the king of Portugal himself expressed the best intentions possible, he was much governed by his ministers, who were all in the French interests. They had an army, but they had made no preparations for taking the field; nor could they bring their troops together, for want of provisions and carriages. The forms of their government made them very slow, and not easily accessible. They were too proud to confess that they wanted any thing, when they had nothing; and too indolent to exert themselves, in order to execute what was in their power to do; and the king's ill health furnished them with an excuse for every thing, that was defective and out of order. The priests, both in Spain and Portugal, were so universally in the French interest, that even the house of Austria, which had been formerly so much in their favour, was now in disgrace with them. Their alliance with heretics, and bringing over an army of them to maintain their pretensions, had made all their former services be forgotten. The governing body at Rome did certainly engage all their zealots every where to support that interest, which was so determined on the destruction of heresy. The English and Dutch generals were likewise upon ill terms with the Portuguese. Duke Schomberg, by his title of captain general of the queen of Great Britain's forces in Portugal, ought certainly to have commanded, at least, all the English and Dutch auxiliaries: And it had been no bad policy in the king of Portugal to have made him likewise commander in chief of all his forces; a post which the duke's father had formerly executed in that kingdom with such success, that he

1704.



rescued the crown of Portugal from the Spaniards, and fixed it in the family that wear it at present. But though few, if any, of the Portuguese officers had the necessary qualifications to be made generals; yet the king of Portugal would not break the established rule of that kingdom, whereby the governors of provinces command in chief all the troops within their districts. He had, indeed, made duke Schomberg velt-marshal-general of the Portuguese forces; but then his conferring the same dignity upon monsieur Fagel, general of the Dutch forces, rather lessened than honoured the duke, and made Fagel unwilling to obey one, to whose level the king of Portugal had raised him; so that there was little concurrence of councils and designs between these two generals. To all this may be added, that a French lady, married to the duke of Cadaval, the principal person in the court of Portugal, was not a little instrumental in retarding the preparations for the campaign.

Apr. 25,
N. S.

Upon information that the auxiliaries, which the king of France had sent to his grandson Philip V. consisted, for the most part, of Irish soldiers; duke Schomberg, pursuant to the queen's warrant, published a proclamation, promising "her gracious pardon to all such of her subjects, who, being now in the service of her enemies, would quit the same, to come over to Charles III. king of Spain, or any other of her majesty's allies; and that such of them as were qualified to serve in her majesty's forces, should be received and entertained in the same quality, as they enjoyed in the service they left: and that such as, by reason of their religion, could not serve in her majesty's forces, should be employed in the service of the king of Spain, or of such other of her majesty's allies, where they should best like." Charles III. and the king of Portugal, published likewise their respective manifestos; the first setting forth his title to the crown of Spain, and promising "his pardon to all such of his subjects as should declare for him within three months time." The other "justifying his Portuguese majesty's taking up arms to restore the liberty of the Spanish nation, oppressed by the power of France, and to assert the right of his catholic majesty, Charles III. to that monarchy." Their majesties had intended to be in a readiness to enter Spain by the middle of May, but it was the beginning of June before they reached Santarem, where they continued the rest of the spring-campaign.

Apr. 30,
N. S.

The possessor of the crown of Spain, styled by the allies duke of Anjou, though the last in proclaiming war, was yet

yet the first in maintaining his title by the sword; and, having invaded Portugal before his enemies were in a condition to oppose him, the duke of Berwick, his general, (who began to shine there, though he had passed elsewhere for a man of no very great character) took the town of Sogura by a stratagem, and so intimidated the governor of Salvaterra, that he delivered up the place without making any defence, and consented, that himself and his garrison should remain prisoners of war. From Salvaterra the Spaniards advanced farther into the country, and without any resistance made themselves masters of Cebreros. Pera-garcia stood some discharges of cannon, and then surrendered to count d'Aguiar. The inhabitants of Zebredo abandoned the place at the approach of the Spanish troops; and the town of Ithana la Viella, rejecting the summons of Don Joseph Salazar and the marquis de Puysegur, was stormed and carried sword in hand. About the same time, the marquis de Jeoffreville, having entered Portugal on the side of Almeida, put several villages under military execution; and prince Tsercloes de Tilly, having advanced to Aonches raised great contributions round about, whilst the marquis de Villadarias penetrated into Portugal another way. These uninterrupted successes of the Spaniards cast the Portuguese into great consternation; and general Fagel, who was posted at Castel-branco with four Dutch battalions, not thinking himself safe in that place, retired towards Abrantes with two battalions. The other two he posted at Sovreira Formosa, where they were soon after attacked by the duke of Berwick, and, after a brave defence, most of them taken prisoners, with major-general Welderen. After this success, the duke of Berwick passed the Tagus, joined another body of Spaniards, commanded by prince Tsercloes de Tilly, and king Philip, being arrived in the army, invested Portalegre, the inhabitants of which forced the garrison to surrender at discretion; and among them an English regiment of foot commanded by colonel Stanhope. From thence king Philip brought his victorious army before Castel-davide, which, though almost an open town, yet refused to open her gates, the garrison being encouraged to defend themselves by the resolution of the English regiment of lieutenant-general Stuart, commanded by lieutenant-colonel Hufley. By this time king Charles and the king of Portugal being come to Santerem, it was resolved, that the marquis das Minas, governor and general of the arms of the province of Beira, should make an irruption into Spain, and by that diversion endeavour to

1704.

May 8.

1704.

June 2,
N. S.

draw king Philip's forces from before Castel-davide. The marquis having gathered a body of about fifteen thousand men, marched accordingly towards the Tagus; took by storm a Spanish place in Castile, called Fuente Grimaldo; defeated a body of French and Spaniards, commanded by Don Ronquillo; and made himself master of Manseinto. But though king Philip sent the duke of Berwick, with a strong detachment to observe the Portuguese, and it was from thence conjectured, that he would give over the attack of Castel-davide; yet the duke of Berwick, finding that the marquis das Minas did not move forwards, returned soon after before Castel-davide. Hereupon colonel Hufley proposed to the Portuguese to retire into the castle, and defend it to the last extremity; but the militia opened the gates to the Spaniards, and so the whole garrison were made prisoners of war. The weather being, by this time, exceedingly hot, king Philip sent his wearied troops into quarters of refreshment; and, not thinking it possible to preserve all his conquests, ordered his men to abandon them, except Maroan and Salva-terra, and to raze the walls of Portalegre, Castel-davide, and some other towns. About the same time the remainder of the English forces marched from Alentejo into the province of Beira, and the Portuguese and Dutch into quarters of refreshment about Pena Major.

Thus affairs went on very unsuccessfully in Portugal, so that it was thought, if the duke of Berwick had followed his advantages, nothing could have hindered his marching to Lisbon. The enemies success gave no small uneasiness in England, and duke Schomberg, finding his advice had not that weight it deserved with the Portuguese, was desirous to quit a losing game. Upon which, the queen resolved to bestow the command of her forces in Portugal on the earl of Galway; who having accepted of it, more in submission to the queen's command than out of any great prospect or hope of success, represented the necessity of augmenting the forces and the train of artillery. All his demands were readily complied with, and four thousand men ordered to be sent to Portugal from England and Ireland, the States-general having agreed to send thither a proportionable number of their forces. The earl having embarked at Portsmouth on-board the Tartar man of war, with several French engineers and volunteers, in eight days sailing safely arrived at Lisbon, where duke Schomberg resigned to him the command of the English forces. About a month after, the earl, having reviewed the Portuguese and auxiliary forces

marched

July 30.

marched them over the little river Coa, and incamped near Almeida. On the 20th of September, the two kings of Spain and Portugal came to the army with design to invade Castile; but, when they reached the river Agueda, which they intended to pass near Castel-Rodrigo, they found the opposite banks so well guarded by the Spaniards, commanded by the duke of Berwick, that they did not think it advisable to hazard the loss of their whole army; and so, retiring farther into the territories of Portugal, they sent their troops into winter-quarters. On the other hand, the Spaniards were so weakened by the detachments sent under the command of the marquis de Villadarias, to attempt the retaking of Gibraltar, that they were contented to defend their own country, and had no thoughts of invading Portugal; so that things were quiet on those frontiers all the remaining part of the year.

1704.

Oct. 9.
N. S.

The Spaniards had drawn all the forces they had in Andalusia and Estremadura together, to retake Gibraltar; and the marquis de Villadarias had with him some French troops, with some engineers of that nation, who were chiefly relied on, and were sent from France to carry on the siege. This gave some disgust to the Spaniards, who were so absurd in their pride, that, though they could do nothing for themselves, and indeed knew not how to set about it, yet could not bear to be taught by others, or to see themselves outdone by them. The siege was continued for four months, during which time the prince of Hesse had many occasions given him to distinguish himself very eminently, both as to his courage, conduct, and indefatigable application. Convoys came frequently from Lisbon with supplies of men and provisions, which the French were not able to hinder or intercept. Monsieur de Pointis at last came with a squadron of twenty French ships, and lay long in the Bay, trying what could be done by sea, while the place was pressed by land. Upon that, a much stronger squadron was sent from Lisbon under the command of Sir John Leake and rear-admiral Vander-Dussen, to relieve the place, and raise the siege, who arrived in the Bay of Gibraltar on the 9th of October. In the mean while, marshal de Tessé, who was sent by the court of France, which was dissatisfied with the conduct of the marquis de Villadarias, had no better success at land than that general; so that the enemy was at last obliged to raise the siege.

The siege
of Gibralt.
tar.
Burnet.The Gerge
is raised
March 20.
Affairs in
Italy.

In Italy the duke of Savoy had a melancholy campaign, losing place after place; but he supported his affairs with

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great conduct, and shewed a firmness in his misfortunes, beyond what could have been imagined. Vercelli and Ivrea gave the duke of Vendôme the trouble of a tedious siege: they defended themselves against him as long as possible. The duke of Savoy's army was not strong enough to raise these sieges; so that both places fell at last into the enemy's hands. The French had not troops both to carry on the war, and to leave garrisons in those places; for which reason they demolished the fortifications. After they had succeeded so far, they sat down before Verue in the end of October. The duke of Savoy posted his army at Crescentino, over-against it, on the other side of the Po: he had a bridge of communication; he went often into the place during the siege, to see and animate his men, and to give the necessary orders. The sick and wounded were carried away, and fresh men put in their stead. This siege proved the most famous of all that had been during the late war: it lasted above five months, the garrison being often changed and always well supplied. The French army suffered much, by continuing the siege all the winter; and they were at a vast charge in carrying it on. The bridge of communication was, after many unsuccessful attempts, at last cut off; and the duke of Savoy being thus separated from the place, retired to Chivaz, and left them to defend themselves as long as they could, which they did beyond what could in reason have been expected. He complained much of the emperor's failing to make good his promises; but, in a discourse upon that subject with her majesty's envoy, he said, though he was abandoned by his allies, he would not abandon them himself.

and in the
Cevennes.

The people of the Cevennes suffered much this summer. It was not possible to come to them with supplies, till matters should go better in Piedmont, of which there was no prospect. They were advised to preserve themselves the best they could. Marshal Villars was sent into the country to manage them with a gentler hand; and the severe methods, taken by those formerly employed, being now disowned, he was ordered to treat with their leaders, and to offer them full liberty to serve God in their own way without disturbance. They generally inclined to hearken to this, for they had now kept themselves in a body much longer than was thought possible in their low and helpless state. Some of them capitulated, and took service in the French army; but, as soon as they came near the armies of the allies, they deserted, and went over to them; so that, by all

all this practice, the fire was rather covered at present than extinguished. (a)

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The

(a) Colonel Cavallier, their principal leader, in his memoirs of the wars of the Cevennes, B. IV. tells us, that the whole country was now reduced to a desert, an hundred boroughs and villages plundered and burnt, the prisons full of protestants, and the succours, which had been promised two years before from England, not come, when marshal de Villars arrived in the province with fresh troops. The first thing he did after his arrival, was to give notice to Cavallier, that if he would come to any agreement, and lay down his arms, the marshal had orders from the king to grant all his just demands; but, if Cavallier should refuse, the protestants should expect no favour. At last, after a conference between the marshal and Cavallier, the latter in conjunction with his friends drew up articles in behalf of the protestants of the Cevennes, which were signed by the marshal and monsieur de Bosville, intendant of Languedoc, in the king's name, on the one part, and by Cavallier and his lieutenant Billiard, on the other; and were as follow:

The humble request of the protestants, in the province of Languedoc, to his majesty.

I. That his majesty be pleased to grant us liberty of conscience in all the province, and to hold religious assemblies in such country places, as they shall think convenient, and not in cities or walled towns.

Granted, provided they do not build churches.

II. That all such as are detained in the galleys only on account of religion, since the revocation of the edict of Nantes, be set at liberty in six weeks after the date hereof.

Granted.

III. That all who have left the kingdom on account of religion, shall have free liberty to return, and be restored to their estates and privileges.

Granted, on condition they take the oath of allegiance to the king.

IV. That the parliament of Languedoc shall be established on its ancient foot, and restored to its privileges.

The king will advise.

V. That no capitation-tax shall be paid by the province, during the space of ten years.

Refused.

VI. That we shall have the cities of Montpellier, Cette, Perpignan, and Aiguemortes, as cautionary towns.

Refused.

VII. That the inhabitants of the Cevennes, whose houses have been burnt in the wars, shall pay no imposts for the term of seven years.

Granted.

VIII. That out of a body of two thousand of those who were actually with monsieur Cavallier, and such as shall be delivered out of the several prisons, he shall raise a regiment of dragoons to serve in Portugal: and that he shall receive his orders immediately from the king.

Granted, provided the remainder lay down their arms, that

1704. The disorders in Hungary had a deeper root and a greater strength. It was hoped, that the ruin of the elector of Bavaria would have quite disheartened the malecontents, and have disposed them to accept of reasonable terms, if the emperor could have been prevailed upon to offer them frankly, and immediately upon their first consternation, after the conquest of Bavaria. There were great errors in the government of that kingdom. By a long course of oppression and injustice the Hungarians were grown savage and intractable; they saw they were both hated and despised by the Germans. The court of Vienna seemed to consider them as so many enemies, who were to be depressed in order to their being extirpated; upon any pretence of plots, their persons were seized on, and their estates confiscated. The Jesuits were believed to have a great share in all these contrivances and prosecutions; and it was said, that they purchased the confiscated estates upon very easy terms. The nobility of Hungary seemed irreconcilable to the court of Vienna. On the other hand, those of that court, who had those confiscations assigned them, and knew, that the restoring these would certainly be insisted on as a necessary article, in any treaty that might follow, did all they could to obstruct such a treaty. It was visible, that Ragotski, who was at their head, aimed at the principality of Transylvania; and it was natural for the Hungarians to look on his arriving at that dignity, by which he could assist and protect them, as the best security they could have. On the other hand, the court of Vienna, being possessed of that principality, would not easily part with it. In the midst of all this ferment, a revolution happened in the Turkish Empire. A new Sultan was set up, so that all things were now at a stand, till it might be known what was to be expected from him. They were soon delivered from this anxiety, for he sent a Chiaus to the court of Vienna, to assure them, that he would give
no

that the king will permit them to live undisturbed in the exercise of their religion.

By virtue of a full power we have received from his majesty, we have granted the above articles to the New-converts of the province of Languedoc. Given at Nîmes, the 17th of May 1704.

The Marshad de Villars.
Lamoignon de Bosville.
J. Cavallier.
Dan. Billiard.

But whether these articles were ever laid before the king, or only before his ministers, colonel Cavallier was not able to determine; but it is certain, they were very little observed in favour of the protestants.

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no assistance to the malecontents. That court, being freed from those apprehensions, resolved to carry on the war in Hungary as vigorously as they could. This was imputed to a secret practice from France on some of that court; and there were so many concerned in the confiscations, that every proposition that way was powerfully supported. Thus Italy was neglected, and the siege of Landau was ill-supported, their chief strength being employed in Hungary. Yet, when the ministers of the allies pressed the opening a treaty with the malecontents, the emperor seemed willing to refer the arbitration of that matter to his allies. But, though it was fit to speak in that style, yet no such thing was designed. A treaty was opened, but when it was known, that Zeiher had the chief management of it, there was no reason to expect any good effect of it. He was born a protestant, a subject of the Palatinate, and was often employed by the elector Charles Lewis to negotiate affairs at the court of Vienna. He, seeing a prospect of rising in that court, changed his religion, and became a creature of the Jesuits, and adhered steadily to all their interests. He managed that secret practice with the French in the treaty of Ryswick, by which the protestants of the Palatinate suffered so considerable prejudice. The treaty in Hungary stuck at the preliminaries, for indeed neither side was then inclined to treat. The malecontents were supported by France: They were routed in several engagements, but these were not so considerable as the court of Vienna gave out in their public news. The malecontents suffered much in them, but came soon together again, and they subsisted so well by the mines, of which they had possessed themselves, and the incursions they made, and the contributions they raised from the emperor's subjects, that, unless the war was carried on more vigorously, or a peace offered more sincerely, that kingdom was long like to be a scene of blood and rapine.

So likewise was its neighbouring kingdom of Poland. It was hoped, that the talk of a new election was only a loud threatning, to force a peace sooner; but it proved otherwise. A dyet was brought together of those, who were irreconcilable to king Augustus; and, after many delays, Stanislaus Leezinski, Palatine of Posenia, was chosen and proclaimed their king, and he was immediately owned by the king of Sweden. The cardinal primate seemed at first unwilling to agree to this; but he suffered himself to be forced into it; and this was believed to be an artifice of his to excuse himself to the court of France, whose pensioner

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he was, and to whom he had engaged to carry the election for the prince of Conti. The war was carried on this year with various success on both sides. King Augustus made a quick march to Warsaw, where he surprised some of Stanislaus's party, the latter escaping narrowly himself. But the king of Sweden followed so closely, that not being able to fight him, king Augustus was obliged to retreat into Saxony, where he continued for some months. There he ruined his own dominions, by the great preparations he made to return with a mighty force; but his delays induced many to forsake his party; for it was given out, that he would return no more, and that he was weary of the war, which he had good reason to be. Poland, in the mean while, was in a most miserable condition. The king of Sweden subsisted his army in it, and his temper grew daily more fierce and Gothic. He was resolved to make no peace, till Augustus was driven out; but, in the mean time, his own country suffered greatly. Livonia was destroyed by the Muscovites, who had taken Narva, and made some progress in Sweden. The pope espoused the interests of king Augustus, for to support a new convert of such importance was thought a point worthy the zeal of that See. He therefore cited the cardinal primate to appear at Rome, and to give an account of the share he had in all that war. The pope was now wholly in the French interest, and maintained the character, which they pretend to, of a common father, with so much partiality, that the emperor himself, how tame and submissive soever to all the impositions of that See, yet could not but make loud complaints of it. The pope had threatened, that he would thunder out excommunications against all those troops, which should continue in his dominions. The emperor was so implicit in his faith, and so ready in his obedience, that he ordered his troops to retire out of the ecclesiastical state; but all the effect this had, was to leave that state entirely in the hands of the French, against whom the pope did not think fit to fulminate, tho' he pretended still, that he would maintain a neutrality; and both the Venetians and the Great Duke adhered to him in that resolution, and continued neutral during the war.

Third Session of the Parliament meets, Oct. 29. After this view of the state of affairs abroad, it is time to return to England, where, on the 29th of October, the parliament met at Westminster, according to the last prorogation; and the queen, being come to the house of peers, made the following speech to both houses:

My

OF ENGLAND.

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My Lords and Gentlemen,

“ THE great and remarkable success, with which God
 “ has blessed our arms in this summer, has stirred up
 “ our good subjects in all parts of the kingdom, to express
 “ their unanimous joy and satisfaction; and I assure myself,
 “ you are all come disposed to do every thing, that is ne-
 “ cessary for the effectual prosecution of the war, nothing
 “ being more obvious, than that a timely improvement of
 “ our present advantages will enable us to procure a lasting
 “ foundation of security for England, and a firm support
 “ for the liberty of Europe. This is my aim. I have no
 “ interest, nor ever will have, but to promote the good and
 “ happiness of all my subjects.

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III. 392.

Gentlemen of the House of Commons,

“ I must desire such supplies of you, as may be requisite
 “ for carrying on the next year’s service both by sea and
 “ land, and for punctually performing our treaties with all our
 “ allies, the rather, for that some of them have just pre-
 “ tensions depending ever since the last war; and I need
 “ not put you in mind, of what importance it is to preserve
 “ the public credit, both abroad and at home.

“ I believe you will find some charges necessary next
 “ year, which were not mentioned in the last session, and
 “ some extraordinary expences incurred since, which were
 “ not then provided for.

“ I assure you, that all the supplies you give, with what
 “ I am able to spare from my own expences, shall be care-
 “ fully applied to the best advantage for the public service:
 “ And I earnestly recommend to you a speedy dispatch, as
 “ that, which, under the good providence of God, we must
 “ chiefly depend upon, to disappoint the earliest designs of
 “ our enemies.

My Lords and Gentlemen,

“ I cannot but tell you how essential it is for attaining
 “ those great ends abroad, of which we have so hopeful a
 “ prospect, that we should be entirely united at home.

“ It is plain, our enemies have no encouragement left,
 “ but what arises from their hopes of our divisions. It is
 “ therefore your concern not to give the least countenance
 “ to those hopes.

“ My inclinations are to be kind and indulgent to you
 “ all. I hope you will do nothing to endanger the loss of
 “ this opportunity, which God has put into our hands, of
 “ securing

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“securing ourselves and all Europe; and that there will be no contention among you, but who shall most promote the public welfare.

“Such a temper as this, in all your proceedings, cannot fail of securing your reputation both at home and abroad.

“This would make me a happy queen, whose utmost endeavours would never be wanting to make you a happy and flourishing people.”

The two houses immediately voted congratulatory addresses; and, the next day, the following one was presented by the Lords:

The
Lords
Address,

“WE, your majesty’s most dutiful and loyal subjects, the lords spiritual and temporal, in parliament assembled, beg leave to return our humble and hearty thanks to your majesty for your most gracious speech to your parliament.

“The kindness and indulgence your majesty hath expressed for all your subjects; your care to create a perfect union among us, by forewarning us of the mischiefs of divisions; your goodness in declaring your own happiness to depend upon that of your people; your desire to see that happiness settled upon a lasting foundation; your strict regard to treaties; your justice to public engagements, abroad as well as at home; and, your noble concern for the support of the liberties of Europe, comprehend all the royal qualities, that can be desired in a sovereign; and when they are all so manifestly united in your royal person, we, and the whole nation should be inexcusable to God and the whole world, to this age and to posterity, if we should not endeavour effectually to accomplish all those great and excellent designs, which your majesty hath so wisely and graciously recommended.

“We, for ourselves, faithfully assure your majesty, that we will do all in our power to bring this session to a happy and speedy conclusion, and to improve, to the utmost, the blessed opportunity, that God hath put into our hands.

“Upon this occasion of approaching your majesty, we desire humbly to congratulate the great and glorious success of your majesty’s arms, in conjunction with those of your allies, under the command of the duke of Marlborough. We can never enough admire your wisdom and courage, in sending that seasonable and necessary assistance

“to

" to the empire; and we cannot too much commend the
 " secrecy and bravery, with which your orders were exe-
 " cuted.

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" What remains for us to do, is, to beseech God, that
 " the like success may attend your majesty's arms, till you
 " see the protestant religion and the liberty of Europe, set-
 " tled upon a firm and lasting foundation; and that your
 " majesty may live many years, to have the pleasure and
 " glory of beholding those parts of the world happy in
 " the enjoyment of those blessings, which your majesty
 " shall have procured for them."

To this the queen answered, " I am very sensible of the
 " great duty and affection you have expressed in the several
 " particulars of this address; and I return you my hearty
 " thanks for your congratulation of our great success, and
 " for the assurances of your readiness to concur in profe-
 " cuting it effectually."

The address presented by the commons, the same day,
 was thus expressed:

Most gracious Sovereign,

" **W**E, your majesty's most dutiful and loyal subjects, TheCom-
 " the knights, citizens, and burgeses, in parliament mons Ad-
 " assembled, do beg leave to return to your majesty our drels.
 " most humble and hearty thanks for your majesty's most
 " gracious speech from the throne; and to congratulate
 " your majesty upon the great and glorious success, with
 " which it hath pleased God to bless your majesty in the
 " intire defeat of the united force of France and Bavaria,
 " by the arms of your majesty and your allies, under the
 " command, and by the courage and conduct of the duke
 " of Marlborough; and in the victory obtained by your
 " majesty's fleet, under the command, and by the courage
 " of Sir George Rooke.

" Your majesty can never be disappointed in your expect-
 " tation from us, your faithful commons, who all come
 " disposed to do every thing necessary for the effectual prose-
 " cution of the war; and therefore your majesty may de-
 " pend upon our providing such supplies, and giving such
 " speedy dispatch to the public business; as may enable your
 " majesty to pursue these advantages so happily obtained
 " over the common enemy, which we can never doubt but
 " your majesty's wisdom will improve to the procuring a
 " lasting

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“lasting security for England, and a firm support for the liberty of Europe.”

“We are truly sensible, that nothing can be more essential for the attaining those great ends, than to be intirely united at home. We shall therefore use our utmost endeavours, by all proper methods, to prevent all divisions among us, and will have no contention, but who shall most promote and establish the public welfare both in church and state. Thus your majesty’s reign will be made happy, and your memory blessed to all posterity.”

The queen “returned them thanks for the assurances they gave her of dispatching the supplies, and avoiding all divisions; both which, as they were extremely acceptable to her, so they would be advantageous to themselves, and beneficial to the public.”

Remarks
on the ad-
dresses.

The lords address was universally applauded; but that of the commons gave great offence; particularly, because it spoke in the same terms of the duke of Marlborough’s victories and the advantages gained by Sir George Rooke (1). It was also observed, that the promise, which they made to the queen, “of using their utmost endeavours to prevent all divisions, was in a manner restrained by the addition of all proper methods, which many looked upon as ominous.”

Supplies
are grant-
ed.

Pr. H. C.

However, after the commons had taken the services of the army and navy into consideration, and, by an unanimous vote, on the 2d of November, desired the queen “to bestow her bounty upon the seamen and land-forces, who had behaved themselves so gallantly,” they proceeded to the supply. The several sums they granted for the navy, the army, and other necessary expences, amounted to four millions, six hundred and seventy thousand, four hundred and eighty-six pounds; which they resolved to levy by a land-tax

(1) The duchess of Marlborough in the account of her conduct (p. 146.) makes the following observation on this occasion: My lord of Marlborough, before he had had sufficient opportunity of shewing the greatness of the general, had, for his first successes in the war, been complimented by this very house of commons, as the re-

triever of the glory of the English nation, being then reputed a high-churchman. But now, that he was thought to look towards the moderate party, his compleat victory at Blenheim was, in the address of congratulation to the queen, ridiculously paired with Sir George Rooke’s drawn battle with the French at sea.

tax of four shillings in the pound, by continuing the duties on malt, by raising eight hundred and seventy-seven thousand, nine hundred and thirty-one pounds, by sale of annuities, and by several other ways and means. They made so great a dispatch, that, on the 9th of December, the land-tax bill received the royal assent, on which occasion the queen made a short speech to both houses, wherein, in particular, she returned thanks to the commons for their early dispatch of so great a part of the necessary supplies, which she looked upon to be a sure pledge of their affections for her service.

It was generally wished, and indeed expected, in the court, as well as in the city and country, that the "bill to prevent occasional conformity," which was the occasion of great divisions and contests in the two former sessions of this parliament, would not have been revived again at this juncture, when all parties ought to have suspended their animosities, and joined in celebrating the successes of her majesty's arms. But, notwithstanding all the endeavours used by the ministry to engage the leading-men of the high-church party to restrain their zeal, till they might have an opportunity of gratifying it, without obstructing the public business, the parliament had not sat long, before Mr. William Bromley moved in the house of commons for leave to bring in that bill. This motion met with great opposition from all the moderate party, among whom appeared many courtiers, particularly Mr. Henry Boyle, chancellor of the Exchequer, who spoke strenuously against it. But, though it was carried in the affirmative, yet the chief of the high-church party debated several days in their private assemblies, whether they should bring in the bill or not? Though many urged strong reasons for the negative, yet the bill was brought in, but moderated in several clauses; for those, who pressed it, were now resolved to bring the terms as low as possible, in order once to carry a bill upon that head. Upon the first reading of it, after a warm debate, the question was carried for a second reading. This vigorous struggle against the bill, even in the house of commons, made the patrons of it justly apprehensive, that it would never pass by itself through the lords; and therefore, after a long consultation in their chief meeting, and (as was then whispered) by the suggestion of Mr. secretary Harley, in whom they still reposed great confidence, but who designed to decoy them into a snare, they resolved to attempt the tacking of it to the land-tax bill. Accordingly, on the second reading of the occasional bill

The occasional bill is again brought in.
Pr. H. C. III. 395.
Burnet.

Nov. 23.

Endeavour to tack it to the land-tax bill.

Nov. 28.

Pr. H. C.

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fional bill, Mr. Bromley made a long speech, wherein, among other things, he urged, " that the practice of occasional conformity was such a scandalous hypocrisy, as was no way to be excused upon any pretence whatsoever. That it was condemned even by the better sort of Dissenters themselves. That the employing persons of a different religion from that established by law had never been practised by any wise government, and was not allowed even in Holland. That the sacramental-test was appointed by the wisdom of the legislature to preserve the established church; which church seemed in as much danger from the dissenters at this time, as it was from the papists, when the act was made. That this law, being so necessary, and having been twice refused in the house of lords, the only way to have it pass, was to tack it to a money-bill. That it had been an antient practice to tack bills, that were for the good of the subject, to money-bills, it being reasonable, that, while grievous taxes were laid upon the subject, for the support of the crown, the crown should, in return, pass such laws, as were for the benefit of the people. That the great necessity there was for the money-bill's passing, was rather an argument for than against this proceeding. For what danger could there be, that the lords, who pretended to be such great patriots, should rather lose the necessary supplies, than pass an act so requisite for the preservation of the church. That, however, if they should suppose them so unreasonable, the matter was not yet so bad, for it was only but proroguing the parliament for a few days, and then the commons might pass the land-tax bill again without the tack." He concluded with moving, " That the bill to prevent occasional conformity might be tacked to the land-tax bill." This motion occasioned a long and warm debate. The design of the party was, that the lords should be put under a great difficulty; since if they should untack the bill, and separate one from the other, then the house of commons would have insisted on a maxim, which was now settled among them as a fundamental principle never to be departed from, that the lords cannot alter a money-bill, but must either pass it, or reject it, as it is sent to them.—On the other hand, the lords could not agree to any such tack, without departing from that solemn resolution, which was in their books signed by most of them, never to admit of a tack to a money-bill; and, if they yielded now, they taught the house of commons the way to impose any thing on them

at

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at their pleasure. The party in the commons put their whole strength on the carrying this point. They went farther in their design; that, which was truly aimed at by those in the secret, was to break the war, and to force a peace. They knew, that a bill with this tack could not pass in the house of peers; for some lords even of their own party confessed, that they would never pass it in that manner. By this means money would be stopped; and this would throw all matters into great confusion both at home and abroad, and dispose the allies, as despairing of any help from England, to accept of such terms as France would offer them. Thus an artful design was formed to break, or at least to shake, the whole alliance. The court was very apprehensive of this, and the lord-treasurer Godolphin opposed it with much zeal. The party disowned the design for some time, till they had brought up their whole strength, and thought they were sure of a majority. The debate held long: Those, who opposed the tacking, urged, that it was a change of the whole constitution, and was in effect turning it into a commonwealth, for it imported the denying, not only to the lords, but to the crown; the free use of their negative in the legislature. If this was once settled, then, as often as the public occasions made a money-bill necessary, every thing, which the majority in the commons had a mind to, would be tacked to it. It is true, some tacks had been made to money-bills in king Charles's time; but even those had still some relation to the money which was given. But in this case a bill, whose operation was only for one year, and which determined as soon as the four shillings in the pound were paid, was to have a perpetual law tacked to it, which must continue in force, after the greatest part of the act was expired. Besides these arguments, Mr. Secretary Hedges and the Lord Cutts represented to the house, that the duke of Marlborough had lately concluded a treaty with the king of Prussia for eight thousand of his men, to be employed towards the relief of the duke of Savoy, who was in most imminent danger. That these troops were actually on their march, upon the credit of a vote of that house, that they would make good her majesty's treaties: And that the obstructing the money-bills, which the tacking would infallibly do, would put an immediate stop to the march of those troops, and thereby occasion the intire ruin of the duke of Savoy. The lord Cutts urged, "That the English nation was now in the highest consideration abroad: That all Europe was attentive to the resolutions of this parliament;

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“ and that, if any divisions should happen between the two
 “ houses, it would cast a damp upon the whole confederacy,
 “ and give the French king almost as great advantage, as
 “ we had gained over him at Blenheim.” Mr. Boyle; chan-
 cellor of the Exchequer, spoke on the same side, and asked,
 “ Whether any wise man amongst them would venture his
 “ whole estate upon a vote ?” And, answering himself in the
 negative, Then, added he, shall we now venture the safety
 of all England, nay, of all Europe, upon this vote ? Sir
 John Hollis perceiving, that many members had left the
 high-church party, observed, “ That for his own part, he
 “ had been against this bill from the beginning, but he won-
 “ dered, that those gentlemen, who had all along pretend-
 “ ed, that the church of England was on the brink of ruin,
 “ unless such a bill should pass, did not pursue the only
 “ method, that might secure the passing of that bill. I put:
 “ it (added he) to the conscience of those gentlemen, who
 “ are come over to us, whether they were before satis-
 “ fied, as to the reasonableness and necessity of this bill,
 “ since now they desert their own friends ? I wish they had
 “ voted on our side two years ago, for it would have saved
 “ us a great deal of trouble, the greatest part of the nation
 “ a great deal of uneasiness, and themselves the confusion
 “ of abandoning their party at a pinch.”

Sir Thomas Littleton spoke on the same side, and said,
 “ By the tacking of this bill, we mean to throw a necessity
 “ upon the lords to pass it. But suppose the lords think
 “ fit to untack what we have tacked, and to acquaint us
 “ that they are ready to pass the money-bill, but will con-
 “ sider of the other ; whose fault will the nation account it
 “ to be, that the queen’s business is retarded ? In answer to
 all these objections, some precedents were alledged, and the
 necessity of the bill for the preservation of the church was
 urged, which they saw was not like to pass, unless sent to
 the lords so accompanied ; which some thought was very
 wittily expressed by calling it a portion annexed to the
 church, as in a marriage ; and they said they did not doubt
 but those of the court would exert themselves to get it pas-
 sed, when it was accompanied with two millions as its price.
 Upon the division, the tack was rejected by a majority of
 two hundred and fifty-one voices against one hundred and
 thirty-four.

Thus that design was lost by those who had built all
 their hopes upon it, and were now highly offended with
 some of their own party, who had, by their opposition,
 wrought

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wrought themselves into good places, and forsook that interest to which they owed their advancement. These, to redeem themselves with their old friends, seemed still zealous for the bill, which afterwards went on coldly and slowly in the house of commons, for they lost all hopes of carrying it in the house of lords, now that the mine they had laid was sprung. However, it was sent up on the 14th of December; and the next day it was read for the first time. If the queen had not been present, there would have been no long debate on that head, for it was scarce possible to say much, that had not been formerly said; but to give her majesty full information, since it was supposed that she had heard that matter only on one side, it was resolved to open the whole in her hearing. The topics most insisted on were, the quiet that the nation enjoyed by the toleration, on which head the severities of former reigns were laid open, both in their injustice, cruelty, and their being managed only to advance popery, and other bad designs. The peaceable behaviour of the dissenters, and the zeal they expressed for the queen and her government, were likewise copiously set forth, while others shewed a malignity to it. That which was chiefly urged was, that every new law made in the matter, altered the state of things from what it was, when the act for toleration first passed. This gave the dissenters an alarm: they might from thence justly conclude, that one step would be made after another, till the whole effect of that act should be overturned. It did not appear, from the behaviour of any among them, that they were not contented with the toleration they enjoyed, or that they were carrying on designs against the church. In that case it might be very reasonable to look for a further security; but nothing tending that way was so much as pretended: all went on jealousies and fears, the common topics of sedition. On the other hand, to support the bill, all stories were brought up to shew how restless and unquiet that sort of men had been in former times. The archbishop of York declared, "That he was for so much of the bill as concerned the church." Whereupon the earl of Peterborough said, "That he was glad to hear that learned prelate make a distinction between the ecclesiastical and political part of the bill; and he hoped, that all the lords, who, in their consciences, were satisfied, as his grace seemed to be, that this bill was framed to serve a temporal, as well as a spiritual end, would vote against it." The question being put, whether the bill should be read a

The occasional-bill set up to the lords, is debated and rejected by them.
Burnet.
Pr. H. C.
III.

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second time, it was carried in the negative by a majority of seventy-one voices against fifty; fifty-one members present, and twenty proxies, being for rejecting it; and thirty-three peers in the house, and seventeen proxies, for giving it a second reading.

Debate
concern-
ing Scot-
land.
Pr. H. L.
III.
Hist. of
Europe.
Burnet.

By this time the lords were engaged in an affair which made no less noise than the conformity-bill, and was occasioned by a speech of lord Haverham; his lordship having acquainted the peers, that he had matters of great importance to lay before them, but that he desired it should be in a full house; all the lords in town and in the neighbourhood were summoned to attend three days after, when his lordship made a speech, of which these are the most remarkable passages:

“ I would be far from detracting or lessening any man’s just praise, and do really believe, that the wonderful victory obtained over the French, under the conduct and command of prince Eugene and the duke of Marlborough, if considered in all its circumstances, especially the unusual secrecy with which the orders were executed, is the greatest any history can shew us.

“ And, though our success at sea was not equal to what it was at land, yet the English courage and bravery shewed itself the same. I cannot indeed congratulate Sir George Rooke’s intire victory over the French; but I can, and do most heartily, his safe deliverance from them.

“ Let our victories be what they will ashore, while France is thus powerful at sea, and more so daily, not only by her new additions, but by our too easy concessions, as were those of St. Christopher’s, Newfoundland, and Hudson’s-bay; while our trade is thus neglected, and your lordships faithful and provident advice baffled by the dark counsels of no body knows who; England, in my opinion, can never be safe.

“ Another thing that I shall take notice of, is the present state of the coin; and I dare venture to say, that, if such vast exportations be much longer continued and allowed, we shall have very little left at home. France may be beaten, but England must be beggared. I know we are not so sensible of this, because there is a paper-money now current; but, should there ever happen to be a stop there, I pray God preserve us from sinking all at once.

“ The last thing that I shall mention to your lordships, is in relation to Scotland. I think I need but lay before your lordships the true matter of fact to convince you how
“ much

" much it deserves your consideration. A little before the
 " last sitting down of the parliament there, it was thought
 " necessary to make some alteration in that ministry; and
 " accordingly some were displaced to make room for others,
 " taking some from each party, who might influence the
 " rest. Things being thus prepared, and a motly ministry
 " set up, the parliament met about the 6th of July last.
 " And, though the succession to the crown in the protestant
 " line was the main thing recommended with the greatest
 " earnestness by the queen in her letter to them, yet was it
 " so postponed and baffled, that at length it came to no-
 " thing; partly, because the ministry was so weak and di-
 " vided, that, instead of doing every thing, they could do
 " nothing; and partly from a received opinion, that the
 " succession itself was never sincerely and cordially intended,
 " either by the ministry there, or by those that managed the
 " Scots affairs here.

" This is very evident; for, at the opening of the session,
 " my lord secretary himself distinguishes between a secret
 " and revealed will. And not only that, but upon the
 " fourth Sederunt (as they call it) a motion was made for
 " a bill of exclusion; I take it formally to be so, though it
 " bears the title of an act of security, which was read the
 " first time on the 7th, and ordered to lie on the table till
 " they heard from England; and, on the 10th, it passed
 " into a law. Now can any reasonable man believe, that
 " those who promoted a bill of exclusion there, or those
 " who here advised the passing of it, could ever be really
 " and cordially for the English succession. I know there is
 " an exception in the act itself; but it is such a one as
 " might have full as well been left out. For he that asks
 " what he knows before will never be granted, only asks
 " the denial. And yet this is not all, but in this very bill
 " of exclusion, as I call it, all the heretors and boroughs
 " are not only allowed, but ordained (as the word is) to
 " be armed, and to exercise their fencible men once every
 " month.

" This being the fact (and, I think, I have stated it very
 " truly) surely, my lords, it is what deserves your conside-
 " ration; and I shall make but one or two observations to
 " your lordships. There are two matters of all troubles;
 " much discontent, and great poverty; and whoever will
 " now look into Scotland, will find them both in that king-
 " dom. It is certain, the nobility and gentry of Scotland
 " are as learned and as brave as any nation in Europe can

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“boast of; and these are generally discontented. And as
 “to the common people, they are very numerous and very
 “stout, but very poor. And who is the man that can an-
 “swer what such a multitude, so armed, so disciplined,
 “with such leaders, may do, especially since opportunities
 “do so much alter men from themselves? And there will
 “never be wanting all the promises and all the assistance
 “France can give.

“Besides this, my lords, I take it to be of the last danger,
 “to England, that there should be the least shadow or pre-
 “tence of a necessity to keep up regular and standing troops
 “in this kingdom in time of peace; for I shall always be
 “of the same opinion, that what has been, may be. In
 “short, my lords, I think every man wishes these things
 “had not been; and in my opinion, there is no man, but
 “must say, they should not have been. I shall end with an
 “advice of my lord Bacon’s. “Let men, says he, beware
 “how they neglect or suffer matter of troubles to be pre-
 “pared; for no man can forbid the sparks that may set all
 “on fire.”

The lords were variously affected with this speech; which though generally approved, as to that part of it, which related to the Scots affairs, yet was it no less unwelcome than unexpected to see the present ministry reflected upon, to whose counsels and management the nation owed its prosperity at home, and, in great measure, its successes abroad. And besides, some peers thought it derogatory to the duke of Marlborough, that prince Eugene should be named before him in the mention of an action, in which that prince acted but a second part. However, this speech was seconded by the carls of Rochester and Nottingham; the former particularly lamenting the ill consequences of the exportation of the coin, and insisting on the necessity of putting a stop to that evil. The lord-treasurer, who took this to be an oblique reflection on himself, said, “That, though it would not be
 “difficult to demonstrate, that there never was so great a
 “plenty of money in England, as at present, yet there
 “was a sure way to increase that plenty, and prevent the
 “exportation of coin, and that was by clapping up a peace
 “with France. But then, added he, I leave it to the con-
 “sideration of any wise man, whether we shall not thereby
 “be shortly in danger of losing not only all our coin, but
 “all our land to boot.”

The Scots business being the most material part of the lord Haversham’s speech, the 29th of November was ap-
 pointed

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pointed to consider of it, upon which day the queen went to the house of peers, both to hear the debates about that important point, and to moderate by her presence any heats, which might arise (a). This, however, had not all the desired effect; for the earl of Nottingham, having reflected on king William with relation to the treaty of partition, the lord Somers rose up and said, "That it was unbecoming a member of that house to fully the memory of so great a prince; and he doubted not, but a man, who could reflect upon king William before his successor, would do the same by her present majesty, when she was gone." As to the treaty mentioned by the earl of Nottingham, he added, "That there was a noble lord there present (meaning the earl of Jersey) who was the principal agent and plenipotentiary in that treaty, and whose duty, as well as interest, it was to vindicate both the memory of his late most gracious master and his own conduct." In the mean time the lord Mohun consulted with several peers, whether they should move to send the earl of Nottingham to the tower. But this being the first time the queen did the house the honour of coming to hear their debates, they thought fit to decline that motion out of respect to her majesty. As to the main business of the day, the earls of Nottingham and Rochester urged the ill consequences of the act of security passed in Scotland? And it being answered, that the same was granted, to prevent the danger of a rebellion in that kingdom, it was replied, "That, if the Scots had rebelled, they would have rebelled without arms; whereas, if they had a mind to rebel now, this act had legally supplied them with necessaries to support their rebellion." The more moderate represented, That, like skilful physicians and wise legislators, they ought rather to apply present remedies to a known evil, than to lose time in enquiring, whether or no it might have been prevented. It was after much declaiming moved, that the lords might pass some votes upon the Scots act. The

tories,

(a) The queen began this winter to come to the house of peers upon great occasions to hear their debates, which, as it was of good use for her better information, so it was very serviceable in bringing the house into better order. The first time

she came, was, when the debate was taken up concerning the Scots act: she knew the lord treasurer was aimed at by it, and she diverted the storm by her endeavours, as well as she restrained it by her presence, Burnet. Vol. II. 405.

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tories, who pressed this, intended to add a severe vote
 against all those, who had advised it; and it was visible at
 whom this was aimed. The whigs diverted this: They
 said, that the putting a vote against an act passed in Scot-
 land looked like claiming some superiority over them, which
 seemed very improper at that time; since that kingdom was
 possessed with a national jealousy on this head, which would
 be much increased by such a proceeding. More moderate
 methods were therefore proposed, in order to the making
 up of a breach in this island, with which it seemed to be
 threatened; and, at last, the grand committee of the peers
 came to these resolutions, "That the best method to pre-
 vent the inconveniences, which might happen by the late
 acts passed in Scotland, was by making such laws here
 for that purpose: That * the queen be enabled by act of
 parliament, on the part of England, to name commis-
 sioners to treat about an union with Scotland, provided,
 that these powers be not put in execution, till commis-
 sioners should be named on the part of Scotland by the
 parliament there. That Scotmen † should not enjoy
 the privileges of Englishmen, except such as are settled
 in this kingdom, in Ireland, and the plantations, and such
 as are or shall be in our land or sea-service, until an
 union be had, or the succession settled as in England.
 That the bringing ‡ of cattle from Scotland into Eng-
 land be prevented. That the lord admiral or * com-
 missioners of the admiralty, for the time being, be
 required to give orders to her majesty's ships, to take
 such ships, as they shall find trading from Scotland to
 France, or to the ports of any of her majesty's enemies;
 and that cruizers be appointed for that end. And that
 the † exportation of English wool into Scotland be care-
 fully hindered." These resolutions being approved by
 the house, the judges were ordered to reduce them into bills;
 one of which, for an intire union, was read a third time, and
 passed the twentieth of December, and sent to the commons for
 their concurrence. On the 9th, the lords presented an ad-
 dress to the queen, importing, "That, having taken into
 consideration divers acts of parliament lately passed in
 Scotland, and duly weighed the dangerous and pernicious
 effects which were likely to follow from them, they
 were preparing bills for preventing such great evils; and,
 in the mean time, they thought themselves bound to re-
 present to her majesty, as their humble opinion, that it
 was highly requisite for the safety of this kingdom, that
 "speedy

* This was
 suggested
 by the Ld.
 Wharton.

† This by
 lord Hal-
 lifax.

‡ This by
 lord Fer-
 rers.

* This by
 the earl of
 Torrington.

† This by
 lord Mo-
 hun.

“ speedy and effectual orders be given for putting of New-
 “ castle into a condition of defence, for securing the port of 1704.
 “ Tinnmouth, and for repairing Carlisle and Hull. They
 “ also besought her majesty to cause the militia of the four
 “ northern counties to be disciplined, and provided with arms
 “ and ammunition; and a competent number of regular troops
 “ to be kept upon the northern borders of England and in the
 “ north parts of Ireland: and to direct the laws to be effec-
 “ tually put in execution against all papists in respect to their
 “ arms and persons, and to order a particular account of what
 “ was done, in execution of her commands, to be laid before
 “ her majesty in counsel without delay.” To this address
 the queen answered, “ That she should direct a survey to be
 “ made of the several places mentioned in this address, in
 “ order to lay it before the parliament: And what forces
 “ could be spared from their attendance here, should be
 “ quartered upon the borders, as they had been the last year;
 “ And that she would likewise give the necessary directions
 “ upon the other particulars of the address.”

The commons likewise, having in a grand committee
 considered the state of the nation with regard to Scotland,
 resolved on the 19th of December, “ that a bill should be
 “ brought in for the effectual securing the kingdom of Eng-
 “ land from the apparent dangers, that might arise from
 “ several acts lately passed in the parliament of Scotland.”

And on the 11th of January, Mr. Conyers reported from
 the committee of the whole house, to whom it was referred
 to consider of heads for that bill, the resolutions they had
 come to, and which were as follow: “ That it be one head
 “ of the bill to enable her majesty to nominate and appoint
 “ commissioners for England to treat with commissioners
 “ from Scotland, for an union between the two kingdoms.
 “ 2. That all natives of the kingdom of Scotland, except
 “ such as are settled and shall continue inhabitants of Eng-
 “ land, or the dominions thereunto belonging, or at present
 “ in the service of the army or navy, shall be reputed as
 “ aliens, unless the succession to the crown of Scotland be
 “ settled on the princess Sophia of Hanover and the heirs of
 “ her body being protestants. 3. That a more effectual
 “ provision be made to prevent the exportation of wool from
 “ England and Ireland into Scotland. 4. That provision
 “ be made to prevent the importation of Scots linen into
 “ England or Ireland, and to permit the exportation of
 “ the linen manufactures of Ireland in English bottoms into
 “ her majesty’s plantations in the West-Indies. 5. That
 “ immediate

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“ immediate provision be made to prevent the conveying of
 “ horses, arms, and ammunition, from England into Scot-
 “ land. 6. That all the protestant free-holders of the
 “ six-northern counties of England be permitted to furnish
 “ themselves with arms.” These resolutions being read
 twice, all, except the last, were agreed to by the house,
 who appointed a committee to prepare and bring in a bill
 accordingly; and on the 16th of January, upon the second
 reading of the lords bill to the same purpose, it was ordered
 to lie upon the table, because the commons were resolved to
 adhere to a notion, which had now taken such root among
 them that it could not be shaken, that the lords could not
 put into a bill begun with them any clause, containing
 money-penalties, as they had done into this. This notion
 was indeed wholly new, for penalties upon transgressions could
 not be construed to be a giving of money. The lords were
 clearly in possession of proceeding thus; so that the calling
 it in question was an attempt on the share which the lords
 had in the legislature. On the first of February, the com-
 mons read it a third time, and passed their own bill relating
 to Scotland; and the following Christmas was the day pre-
 fixed for the Scots to enact the succession, or, on failure
 thereof, then this act was to have effect. A great coldness
 appeared in many of the commons, who used to be hot on
 less important occasions: they seemed not to desire, that the
 Scots should settle the succession; and it was visible, that
 some of them hoped, that the lords would have used their
 bill, as they had used that sent down by the lords. Many
 of them were less concerned in the fate of the bill, because it
 diverted the censure, which they had intended to fix on the
 lord-treasurer. But the lords were aware of this, and four
 days after the bill was sent up to them, passed it without any
 amendment. Those, who wished well to the union, were
 afraid, that the prohibition, and the declaring the Scots aliens
 after the the day prefixed, would be looked on as threatenings;
 and they saw cause to apprehend, that ill tempered men in
 Scotland would use this as a handle to divert that nation,
 which was already much soured, from hearkening to any
 motion that might tend to promote the union, or the declar-
 ing the succession. It was given out by those, that this was
 an indignity done their kingdom, and that they ought not
 so much as to treat with a nation, that threatened them
 in such a manner. The marquiss of Tweedale excused
 himself from serving any longer, upon which the duke of
 Argyle was appointed lord-high-commissioner in his room.

The

The duke of Marlborough, upon his return to England, and first coming to the house of peers, received the following compliment from the lord-keeper in the name of that house :

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The duke of Marlborough complimented at his return by the lord keeper. Dec. 15.

My lord duke of Marlborough,

“ THE happy success that hath attended her majesty’s arms under your grace’s command in Germany the last campaign, is so truly great, so truly glorious in all its circumstances, that few instances in the history of former ages can equal, much less excel the lustre of it.

“ Your grace has not overthrown young unskilful generals, raw and undisciplined troops ; but your grace has conquered the French and Bavarian armies ; armies that were fully instructed in all the arts of war, select veteran troops, flushed with former victories, and commanded by generals of great experience and bravery.

“ The glorious victories your grace has obtained at Schellenberg and Hochstet, are very great, very illustrious in themselves : but they are greater still in their consequences to her majesty and her allies. The emperor is thereby relieved ; the empire itself freed from a dangerous enemy in the very bowels of it ; the exorbitant power of France is checked ; and, I hope, a happy step made towards reducing of that monarch within his due bounds, and securing the liberties of Europe.

“ The honour of these glorious victories, great as they are, under the immediate blessing of almighty God, is chiefly, if not alone, owing to your grace’s conduct and valour.

“ This is the unanimous voice of England, and all her majesty’s allies.

“ My lord, this most honourable house is highly sensible of the great and signal services your grace has done her majesty this campaign, and of the immortal honour you have done the English nation ; and have commanded me to give you their thanks for the same. And I do accordingly give your grace the thanks of this house for the great honour your grace has done the nation, and for the great and signal services you have done her majesty and this kingdom, the last campaign.”

The duke’s answer was as follows :

My lords,

“ I am extremely sensible of the great honour your

The duke’s answer.

“ lord-

1704-5. "lordships are pleased to do me. I must beg, on this occasion, to do right to all the officers and soldiers I had the honour of having under my command. Next to the blessing of God, the good success of this campaign is owing to their extraordinary courage. I am sure it will be a great satisfaction, as well as encouragement to the whole army, to find their services so favourably accepted."

The same day, a committee of the house of commons waited on the duke, to give him also the thanks of that house.

The
French
prisoners
sent to
Notting-
ham and
Litchfield:

Marshal de Tallard, with the other French generals, being now at the queen's disposal, she had a fair opportunity of shewing her resentment of the late haughty and contemptuous behaviour of the French towards her royal person and dignity. For, to omit other insults, it is remarkable, that, when the lord Cutts was about settling a cartel with their commissioners, they would not allow his title of lieutenant-general of the queen of England's forces but only of the English forces; upon which, the conferences were broke off. For this, and some other reasons, it was resolved to give the French prisoners some small mortification, by letting them lie two nights on board the *Catharins* and *William and Mary yatchs* in the river; and by suffering no person of distinction to have access to them. And it is to be observed, that the earl of Feverham having asked the duke of Marlborough, "Whether he might go and see his old friend the marshal de Tallard? The duke told him, That he believed the queen would not refuse him leave, if he asked it of her." Which the earl took for a soft denial, and forbore to make any application to see the marshal, who, with the rest of the French prisoners, landed on the 16th of December, at Blackwall, where they were magnificently entertained at dinner by Mr Jackson, and, in the afternoon, set out in several coaches for Barnet, in their way to Nottingham and Litchfield, where her majesty thought fit they should reside (1). They were accompanied by general Churchill, and attended by a detachment of the duke of

(1) At Nottingham, marshal de Tallard; the marquis de Monperoux, general of horse; the count de Blanzac, lieutenant-general; the marquis de Hautefeuille, general of dragons; the marquis de Vallesame, the marquis de Sappeville, the marquis de Silly, the chevalier de Croissy, the marquis de la Valiere, major-generals; monsieur de St. Second, brigadier;

of Northumberland's royal regiment of horse-guards, who were also ordered to guard them at Nottingham and Litchfield as prisoners, being allowed all manner of freedom, both in those places and ten miles round about. 1704-5.

On the 3d of January, the standards and colours, taken at Blenheim, were set up in Westminster-hall; and three days after, the duke of Marlborough was entertained by the city of London. Two days before, Dr. Delaune, Vice-chancellor of Oxford, accompanied by several of the heads of houses, the proctors, and other principal members of the university, attended the queen with a printed copy of the speeches and verses spoken in the theatre on New-year's day. They presented at the same time an address to her majesty, importing, "That the exercise performed in their theatre, was in honour of the great success of her majesty's arms the last year in Germany, under the admirable conduct and invincible courage of the duke of Marlborough; and at sea under the most brave and faithful admiral, Sir George Rooke; actions as beneficial as they were glorious, by which the empire was freed from the power of France, and treachery of Bavaria, Charles III. possessed of Gibraltar, a happy presage of his speedy settlement in his kingdoms, commerce in the Mediterranean secured, and the greatest check, that was ever given to the ambitious designs of France. Concluding with their prayers to God, that he would still reward her majesty's pious care and concern for the established church, by the continuance of victory to her arms." The queen returned a cold answer to this address, desiring, however, the vice-chancellor to let the university know, "how kindly she took this instance of their zeal;" but adding, "that as they might be assured of her protection, so she would not doubt of their care to encourage those principles which would promote the peace and welfare of herself and all her subjects." The truth was, that the duke of

dier; the marquis de Vasse, colonel of dragoons: At Litchfield, the marquis de Marivaux, lieutenant-general; monsieur de la Metliere, monsieur Jolly, monsieur d'Amigny, brigadiers; monsieur de St. Maurice, the count de Lionne, the marquis de Lassey, the baron d'Elst,

monsieur de Baliancourt, monsieur de Saulvebotas, monsieur de Montensy, monsieur de Gallart, monsieur de Cressy, colonels of foot; monsieur de Ligondais, the baron de Heyder, colonels of horse; monsieur de Price, and monsieur d'Aurival, colonels of dragoons.

1704-5. of Marlborough's friends were greatly offended with an address, which set the actions of the admiral upon the same level with those of the captain-general. And, as the university of Oxford spoke the sense of the whole high-church party, so it was not long before the court, who now espoused the opposite interest, shewed their resentment of it.

The manor of Woodstock settled on the duke of Marlborough.

On the 11th of January, the commons took into consideration the great services performed by the duke of Marlborough the last summer; and Sir Christopher Musgrave, who, in a former session, had chiefly opposed a motion for rewarding the duke, being now silenced, as it was thought, by a promise of a place for his son, it was unanimously resolved to present an address to her majesty, expressing, "the great sense this house had of the glorious victories obtained by the forces of her majesty and her allies under the command of the duke of Marlborough; and humbly desiring her majesty to consider of some proper means to perpetuate the memory of the great services performed by his grace." The queen took a few days to consider of this address; and, on the 17th sent the following message to the commons, "That she inclined to grant the interest of the crown in the honour and manor of Woodstock, and hundred of Wooton, to the duke of Marlborough and his heirs; and the lieutenancy and rangerhip of the parks, with the rents and profits of the manors and hundreds, being granted for two lives, her majesty thought it proper that incumbrance should be cleared." Hereupon the commons ordered a bill to be brought in, to enable the queen to grant the honour and manor of Woodstock, and hundred of Wooton, to the duke of Marlborough and his heirs; and resolved to address the queen to advance the money for clearing the forementioned incumbrances. The queen not only complied with this address, but likewise ordered the comptroller of her works to build in Woodstock-park a magnificent palace, called Blenheim-House. The plan of this magnificent building was formed by Sir John Vanburgh, in which extent and stability seem to be more studied than art and beauty.

By this time Sir George Rooke had been laid aside; and it was publicly declared, that the lord-high-admiral had appointed Sir Cloudesley Shovel, admiral of the white squadron, to be rear-admiral of England, and admiral and commander in chief of her majesty's fleet. Sir John Leake, who had distinguished himself in the late sea-fight, and had been very successful

successful in the seasonable relief of Gibraltar, was at the same time appointed vice-admiral of the white squadron; Sir George Byng, vice-admiral of the blue; Sir Thomas Dilks, rear-admiral of the red; William Whetstone, rear-admiral of the white; Sir John Jennings, rear-admiral of the blue, in the room of Sir James Wishart, who laid down his commission. 1704-5.

Complaints of the mismanagement both at the board of Com- the prince of Denmark's council, as lord-high-admiral, and plaints of the admiralty. at sea, rose now very high. The house of commons, during the whole continuance of the parliament, never appointed a committee to look into those matters which had been formerly a main part of their care. They saw, that things were ill conducted, but the chief managers of sea-affairs were men of their party; and that atoned for all faults, and made them unwilling to find them out, or to censure them. The truth was, the prince was prevailed on to continue still in the admiralty, by those who sheltered themselves under his name, though this brought a great load on the government. The lords proceeded as they had done in the former sessions, examining into all complaints. They named two committees, the one to examine the books of the admiralty, the other to consider the proceedings at sea. No progress was made in the first of these; for, tho' there was a great deal suggested in private, yet, since this seemed to be complaining of the prince, none would appear directly against him. But the proceedings at sea afforded matter enough, both for enquiry and censure. The most important, and that which had the worst consequences, was, that, though there were twenty two ships appointed for cruising, yet they had followed that service so remissly, and the orders sent them were so languid and so little urgent, that three diligent cruising ships could have performed all the services done by that numerous fleet. This was made out in a scheme, in which all the days of their being at sea were reckoned up, which did not exceed what three cruisers might have performed. It did not appear, whether this was only the effect of sloth or ignorance, or if there lay any designed treachery at the bottom. It seemed very plain, that there was treachery somewhere, at least among the under-officers; for, a French privateer being taken, there were found among his papers instructions sent him by his owners, in which he was directed to lie in some stations, and to avoid others; and it happened, that this agreed so exactly with the orders sent from the admiralty, that it seemed it could

1704-5. not be by chance, but that the directions were sent upon fight of the orders. On the 5th of February, the lords presented an address to the queen, concerning the mismanagements of the navy, setting forth in particular, “ That, “ for the three last years, the charge of the navy had exceeded what was designed by the parliament, the sum of “ above three hundred and sixty-six thousand pounds. “ That, in the year 1704, one thousand five hundred and “ sixty-six seamen were wanting to make up the number of “ thirty-five thousand, who, with the five thousand marines, ought to have been employed at sea, to make up “ the number of forty thousand men provided for by parliament. That there were the last year ten flags in seapay, viz. three admirals, three vice-admirals, and four rear-admirals, and that three of these were not in their posts. That Mr. Churchill, admiral of the blue, had not been at sea in any year of this war. That Mr. Graydon, vice-admiral of the blue, had been on shore all this last year : And that Sir James Wisheart, though a rear-admiral, had been the last year captain to the admiral of the fleet. That there were two vice-admirals of the red, and two rear-admirals of the blue, but no vice-admiral of the white ; which, to their lordships, seemed to have been very irregular, and to have been done in favour of Mr. Graydon, to continue him in the service, although this house had voted, That his behaviour, in letting the four French ships escape, was a prejudice to her majesty’s service, and a great dishonour to the nation ; and that his proceedings in Jamaica had been a great discouragement to the inhabitants of that island, and prejudicial to her majesty’s service ; and hereupon the lords had, on the 29th of March last, made an humble address to her majesty, that Mr. Graydon might not be employed any more in her service ; but, having been acquainted, since the report made to them from their committee, that Mr. Graydon was discharged, they besought her majesty, that he might be employed no more in her service.” After this, their lordships took notice of “ the vast increase of pensions, as appeared by the navy books, particularly, “ a pension of three hundred and nineteen pounds to Sir John Munden, though he had not done his duty in the expedition to Corunna ; whereas the pension to admiral Nevil’s widow had not been paid for two years past ; and “ some officers of the fleet had been laid aside, without any pension or consideration, though no misbehaviour had “ been

“ been laid to their charge.” They farther observed, ^{1704-5.}
 “ That in the ordinary estimate of the navy, there was put
 “ down seven thousand pounds for the prince’s council, tho’
 “ they were only five in number in 1702, five in 1703,
 “ and six in 1704; and it did not appear, that more than
 “ one thousand pounds a-piece had been paid to them: And
 “ that Mr. Churchill’s appointments from the navy were,
 “ as prince’s council, one thousand pounds; for pension,
 “ five hundred pounds; as admiral of the blue, one thou-
 “ sand two hundred and seventy-seven pounds, ten shil-
 “ lings; and for table-money (though not at sea) three
 “ hundred and sixty-five pounds; in the whole, three thou-
 “ sand one hundred and forty-two pounds, ten shillings.”
 They likewise represented, “ That there was not a sufficient
 “ number of proper ships for cruisers and convoys;” and
 they concluded, with “ resting assured, that her majesty
 “ would consider of the fittest methods, and give the most
 “ effectual orders for restoring and establishing the discipline
 “ of the navy, the encouragement of seamen, the guarding
 “ of the coasts, and the protection of trade.” To this ad-
 dress the queen made answer, “ That it contained many
 “ observations, which she would consider particularly, and
 “ give such directions upon them, as might be most for the
 “ advantage of the public service.”

A design was formed in this session of parliament, but there was not strength to carry it on at this time. The earl of Rochester gave an hint of it in the house of lords, by saying, that he had a motion of great consequence to the security of the nation, which he would not make at this time, but would do it when next they should meet together. He said no more in the house, but in private discourse he owned it was for bringing over the electors of Hanover to live in England. It seemed not natural to believe, that a party, who had been all along backward at best, and cold in every step, which was made in settling the succession in that family, should become all on a sudden such converts, as to be zealous for it; and therefore it was not an unreasonable jealousy to suspect, that somewhat lay hid under it. It was thought, that they either knew or apprehended, that this would not be acceptable to the queen; and they, being highly displeased with the measures she took, went into this design both to vex her, and in hopes that a faction might arise out of it, which might breed a distraction in our councils, and some of them might hope thereby to revive the pretender’s claim. They reckoned, that such a motion would be popular;

Design
with rela-
tion to the
Electors
of Hano-
ver.
Burnet.

1704-5. pular; and if either the court or the whigs, on whom the court was now beginning to look more favourably, should oppose it, this would cast a load on them, as men, who, after all the zeal they had expressed for that succession, did now, upon the hopes of favour at court, throw it up: And those, who had hitherto been considered as enemies of that house, might hope, by this motion, to overcome all the prejudices, which the nation had taken up against them; and they might create a merit to themselves in the minds of that family, by this early zeal, which they resolved now to express for it. This was set on foot among all the party; but the more sincere among them could not be prevailed on to act so false a part, though they were told, this was the likeliest way to advance the pretender's interest.

The affair
of the five
Ailsbury
men.
Pr. H. C.
Hist. of
Europe.
Burnet.

The last business of this session, with which this parliament ended, was the case of the Ailsbury men. It has been related, what proceedings had been at law upon the election at Ailsbury. The judgment that the lords gave in this matter was executed, and, upon that, five others of the inhabitants brought their action against the constables, for refusing their votes. The house of commons looked on this as a high contempt of their votes, and a breach of their privileges, to which they added a new, and till then, unheard-of crime, that it was contrary to the declaration they had made. At the same time they sent their message for these five men (namely, John Paty, John Oviat, John Paton, jun. Henry Basse, and Daniel Horn) and committed them to Newgate, where they lay three months prisoners. They were all the while well supplied, and much visited; and therefore remained without making any application to the house of commons. It was not thought advisable to move in such a matter, till all the money-bills were passed; then motions were made, in the interval between the terms, upon the statute of Habeas Corpus, but, that statute relating only to commitments by the royal authority, this did not lie within it.

When the term came, a motion was made in the queen's bench upon the common law, in behalf of the prisoners for a Habeas Corpus. The lawyers, who moved it, produced the commitment in which their offence was set forth, that they had claimed the benefit of the law, in opposition to a vote of the house of commons to the contrary. They said, the subjects were governed by the laws, which they ought and were bound to know, and not by votes of a house of parliament, which they were neither bound to know nor

to obey (a). Three of the judges were of opinion, that the court could take no cognizance of the matter, and that the prisoners ought to be remanded; but the chief justice Holt

1704-5.

was

(a) The pleadings of the lawyers more at large were as follows: Page, Montague, Lechmere, and Denton, were counsel for the prisoners; and after reading the return of the commitment, Mr. Page said, "That the writ of Habeas Corpus was a writ grounded on common law, and therefore this court can bail all persons, who by the law of England are bailable. That he did not say, but that the house of commons hath privileges, which belong to them, and may commit for breach of such privileges: that he now only enquired, if there be any law for the commitment of the prisoners; and therefore the first question he made, was, If there was a breach of privilege returned? Adding, that there being no notice in the return, that the house of commons has any privilege, he need not argue, whether they have a power, or not, to restrain men from suing in the queen's court." The lord chief justice Holt having told Mr. Page, that the question was, If they were not to take notice of their power, though not returned to that court? Mr. Page answered, that tho' the court would take notice of any power of the house, yet, that not appearing in the return, they could not judge of it, the commitment being by the speaker, and not by the house. The lord chief justice

replying, that the commitment was in pursuance of the order of the house, Mr. Page subjoined, that then it should be shewn to be by the house, the speaker being in the chair, which was mentioned in the commitment. But this was over-ruled by the lord chief justice, who said, that by the house, was to be understood the whole house sitting, with the speaker in the chair. Mr. Montague continued the same objection to the commitment, adding, that it did not appear, that the prisoners were any ways related to the house of commons, either as members or officers: That, as to the lord Shaftsbury's case, he was a member: That he agreed every court must have power to keep order among themselves; but that to take a man, out of the house, who was not of the house nor guilty of any breach of privilege, for aught appeared, by a return, he knew no law for it: That the cause assigned was, because the prisoners had been guilty of bringing and presenting an action, which he did not take to be a crime by any known law: That, in the case of the constable of Ailsbury, there was a judgment at law judicially given, which could not be got over, until some act of parliament interposed; and the law being so, that a man might bring his action, he did not know, what crime a man could be guilty of, who used this law:

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That

1704-5. was of another mind. He thought a general warrant of commitment for breach of privilege, was of the nature of an execution; and, since the ground of commitment was specified in the warrant, he thought it plainly appeared, that the prisoners had been guilty of no offence, and that therefore they

That the words of his commitment went further, that bringing this action is contrary to the declaration, in high contempt of the jurisdiction, and in breach of the known privileges: That they did not know what this word declaration meant, neither did they understand what this breach of the jurisdiction was: That as to the words, against the known privileges of the house, he was at a loss what action is against the privilege of the house, because they can have no privilege against law, and he was sure it was not against law to bring any action. Then he took notice, that the commitment was during pleasure, adding, that he had known persons committed *per mandatum Domini Regis* bailed; and therefore by strong reason ought they to be bailed if committed by the house of commons. Mr. Lechmere enforced what had been alledged by the other two, adding, that one part of the commitment, which set forth the reasons of it, was for bringing an action at law, contrary to the declaration of the house of commons, in opposition to which declaration, he must alledge the declaration of the lords: That this commitment, being also said to be for a contempt of the high jurisdiction of the commons, the lords in the case of Ashby and White had declared against it.

He then urged, that no other court, save that of the lords, and the courts at Westminster, and other inferior courts of England, can execute any jurisdiction touching any actions at law; and that privileges, which are against the known laws of England, are in themselves void. Another objection or exception was, that the continuance of the imprisonment of the prisoners was a new commitment: That the *habeas corpus* is the way, which the queen takes to make disquisition about the liberty of her subjects: That, tho' both houses of parliament are proper judges of their own privileges, yet this court has formerly judged of their own privileges; to which purpose he instanced in the lord Shaftsbury's case, wherein notice is taken of a case, wherein an original was filed against a member sitting in the house; and that in the case of the lord Banbury, though the lords temporal and spiritual had declared he was no peer, yet in this court, when he was brought to be tried for murder, and denied the jurisdiction here, insisting upon the peerage, this court refused to try him, and allowed his plea. That the laws of parliament are the customs of parliament: That there is no precedent in parliament to commit a man for prosecuting for his freehold or franchise; but on the contrary he believed, that in

they ought to be discharged. Tho' Holt's judgment seemed clear and solid, yet, as he was but one against three, the majority prevailed, and the prisoners were remanded to Newgate (a). 1704-5.

Upon this Paty and Oviat, two of the prisoners, moved for a writ of error, to bring the matter before the lords. This writ was only to be obtained, by petitioning the queen, that the judgment of the court of the queen's bench might be brought before her majesty in parliament. The commons were alarmed at these petitions, and resolved upon an address to the queen, "setting forth the undoubted right and privilege of the commons of England in parliament assembled, to commit, for breach of privilege; and that the commitments of this house are not examinable in any other court

in the rolls of precedents there might be found a case, where bail had been allowed by this court upon a commitment of the house of commons. Mr. Denton excepted to the return of the commitment, alledging, 1. That the warrant did not sufficiently describe the crime. 2. That it did not appear that the party committed had notice of the vote or declaration of the house of commons, for every man is not bound to take notice of a vote, because it is but a temporary thing. 3. That it not appearing by this return, that the prisoner was a commoner, he might notwithstanding any thing that appeared to the contrary, be a lord; and then it must be agreed, the commons had no jurisdiction. That, if it had been a general commitment, without shewing the offence particularly, and said for a breach of privilege only, perhaps it had been a good commitment; but here the cause was set forth, and it appeared by the judgment of the lords in the case of Ashby and White,

that it was no cause at all of commitment. That bailing the prisoners in this court did not meddle with the privileges of the house of commons, because, ifailed, yet they were answerable to the house, and are prisoners *in custodia legis*. That indeed justices of the peace can commit for a riot without bail; but this power arises from an express act of parliament for that purpose. That the queen herself cannot commit, so as to bind the power of the law; but this court can, in such cases, and always have, upon good causes shewn, bailed, notwithstanding such commitments.

(a) The judges delivered their opinions in the following manner: The youngest of them declared, that he thought the prisoners ought to be remanded, alledging, that it was the first *habeas corpus* of the kind, that ever was brought: That, if this return now before the court had been of an *habeas corpus* from an inferior court, it had been a bad return; but that the house of commons was superior,

F 4 and

1704-5. " court whatsoever; and that no so such writ of error was ever brought, nor doth any writ of error lie in this case: And that as this house had expressed their duty to her majesty, in giving dispatch to all the supplies; so they had an intire confidence in her majesty's goodness and justice, that she would not give leave for the bringing any writ of error in this case; which would tend to the overthrowing the undoubted rights and privileges of the commons of England."

Ten judges (two only being of another mind) agreed, that, in civil matters, a petition for a writ of error was a petition of right and not of grace. It was therefore thought a very strange thing, which might have most pernicious consequences, for a house of commons to desire the queen, not to grant a petition of right, which was plainly a breach of law, and of her coronation-oath. It was no less strange for them to

and could not be bound by the forms of Westminster-hall, having peculiar laws and customs: Then when the earl of Northumberland petitioned the king, where the question was, whether the power, that he had raised, was treason, which petition was ordered to be delivered to the justices to be considered, the lords made protestation, that the order thereof belonged to them, and they resolved it not to be treason. That here was a parallel case; The house of commons had declared the prisoners guilty of a contempt; and how could this court contradict what had been determined by them, who are part of the legislature, and cannot be supposed to break their trust? Judge Powis was of the same opinion as to the remanding of the prisoners, urging, that this case was not like that of the lord Shaftsbury. That as to the objection made by the council, that the prisoners were not members, he answered,

that most commitments by the house of commons were of other persons, not members, as for arresting a member sitting the house, &c. otherwise they could not vindicate the breach of their privileges. As to what was objected that this commitment was during pleasure, he replied, that it was more beneficial to have commitments so, that persons so committed might in the mean time make application and submit: And that the commitments of the house of commons were like the commitments of this court upon contempts, which always were understood not to be for any certain time, and therefore during pleasure. That it was likewise objected at the bar, that the commitment was for bringing an action; to which he answered, that privilege stops; and so it is in all actions brought against any servants of members sitting in the house. And as to the case of Ashby and White, he did not think it to be the same

to take upon them to affirm, that the writ did not lie, when that was clearly the work of the judicature to declare, whether it lay or not, which was unquestionably the right of the lords, who only could determine that. Besides, their having supplied the public occasion, was a strange consideration to be offered to the queen, as an argument to persuade her to act against law, as if they had pretended, that they had bribed her to infringe the law, and to deny justice; since money, given for public service, was given to the country and to themselves, as properly as to the queen. Her answer to this address was to this effect: "That she was much troubled to find the house of commons of opinion,

1704-5.

Feb. 26.

same with this case here. That he saw but two things of substance in this argument: The first, that, if this court, being an high court, and the highest of all inferior courts, can discharge any person committed *per mandatum Domine Regine*, surely then it may discharge one committed by the house of commons. To which he answered, that he took this to be a fallacy, because the king is to act by his ministry and by his courts, and not by his absolute will: That, according to lord Coke, though the king be presumed to be present in this court, yet he doth act by his judges here, otherwise he might be a judge and party. And to the objection, "Whether the commons should by a declaration direct who should not be sued;" that we must suppose they have a general jurisdiction of privileges, and contempts, and rights, as well as other courts: That this commitment was not for a trial, but as upon an adjudication, and as a punishment. That, when they came to a point of jurisdiction, they must consider it by usage: That it is next to impossible for the courts

of Westminster-hall to judge of the privileges of the house of commons, who have not access to their rolls, where only the privileges of that house are to be seen; and therefore it was very unreasonable to put judges upon the inquiry. That if this court had a jurisdiction over the commitments of the commons, they should have it also over those of the lords: Concluding, that they were a great court, but that neither their ancestors nor they ever yet knew it so great as this would make it. Judge Powell concurred in this opinion, alleging, that he could not think they could be judges of this return, because the prisoners were committed by another law than this court proceeded by; and that to commit by one law, and discharge by another, would introduce disorder: That as the ecclesiastical, admiralty, and martial courts, and the house of peers proceed by their own rules, so the house of commons proceed by their own rules; this court can meddle with their privileges in some cases, but not so as to contradict or oppose them: And that

he

1704-5. " nion, that her granting the writs of error, mentioned
 " in their address, was against their privileges, of which
 " she would always be as tender, as of her own prerogative;
 " And therefore they might depend, she would not do any
 " thing to give them any just occasion of complaint. But
 " this matter, relating to the course of judicial proceedings,
 " being of the highest importance, she thought it necessary
 " to weigh and consider very carefully, what might be pro-
 " per for her to do, in a thing of so great concern." This
 answer was thought so cold, that no thanks were returned for
 it; tho' a well composed house of commons would certainly have
 thanked

he did not know how the house of commons could have a power of judging, and not of punishing. That this court can correct excesses of all inferior courts, but not of the parliament, which is superior. That, supposing the lords would intermeddle with freeholds, though, perhaps, they are not less valuable than their privileges, yet this court could not prohibit them. That he believed it as customary to make commitments during pleasure as otherwise. That, if we had a long parliament as formerly, then perhaps it would have been hard. That bondage was so much lost in England, that he believed the council had almost forgot how to apply that argument. That he did not know how excess of jurisdiction in either house can be good. If it happens, it must be determined by conference between themselves. That if it should be supposed, that both should insist, and the commons should do any thing unreasonable, sure then the people of England would not chuse them again: And, if the lords should insist upon unreasonable privileges, then the people of England, he believed, would find out a way to chuse

such an house, or use such methods, as would rectify and oblige to a submission. These three judges having thus declared their sentiments, " That the
 " prisoners ought to be remanded," the lord chief justice Holt delivered his opinion, " That they ought to be discharged. I am sensible, said
 " he, of the great disadvantage
 " I lie under, because eleven of
 " the judges are against my opinion. The case being of
 " moment and concern, I did
 " desire to confer with them, before I delivered my thoughts.
 " And it is a second disadvantage, that I have so great an
 " esteem for their sentiments,
 " that I would willingly resign
 " my opinion to theirs. But
 " then I lie under another,
 " which is to encounter an
 " opinion and judgment of the
 " house of lords. I must confess,
 " the commons of England are
 " intrusted with, and are very
 " zealous for our liberties;
 " and therefore I would think
 " it a misfortune to lie under
 " their displeasure. Yet there is
 " another thing, which lies upon
 " me, which, at all events, I
 " am to take care of, and that
 " is a good conscience. I am
 " upon

thanked her for that tender regard to law and justice. The same day the answer was reported by Mr. secretary Hedges, the commons proceeded to carry their resentments to greater extremities, and having continued sitting till the evening, voted, "That Mr. Francis Page, Mr. James Montague, Mr. Nicholas Lechmere, and Mr. Alexander Denton, in pleading upon the return of the Habeas Corpus, on behalf of the five prisoners committed by this house, were guilty of a breach of privilege;" and ordered them to be taken into custody. As they were apprehensive, lest the queen should grant writs of error, whereby the five Ailsbury men might be discharged from their imprisonment, they also

upon my oath to judge impartially and justly. I do not think this such an imprisonment, that the freemen and subjects of England are to be bound by; and it will affect all the kingdom, if, by any declaration or prohibition made by the house of commons, they are restrain'd from bringing a lawful action. Neither of the houses of parliament, separately or jointly, have any power to dispose of the liberty or property of the subject. It must be, with the queen added. This is the constitution of the English government. It is said in the return, that the prisoners are guilty of a breach of privilege for bringing an action. I must therefore declare my opinion, that commencing a suit is no breach of privilege, tho' it be against a member himself, so he be not affected in his person or lands. The second crime mentioned in the commitment and return is prosecuting. What is meant thereby seems not to be so clear, because prosecuting may be taken several ways, as entering of a continuance, which cannot be said to be any breach of privilege, the person of the member, or his estate, not being disturbed thereby. Indeed, if you restrain the person of a member, or do any act to restrain his liberty, then it is a breach, and punishable by the house. Again, the house of commons should have shewn, that they have a privilege; for, if the high constable of England should not shew his authority, we should not take more notice of him than of the constable of St. Martin's. The law of the land must take place. A man may legally commence and prosecute an action against a man that is not privileged, tho' vexatious or wrong, as appears by 2 Rich. III. 9. where all the judges were of opinion, that there was no punishment for bringing an action, tho' wrong. If an action is sued and prosecuted against a peer, no action de scandalis magnatum will lie, if there was any probable cause of action. I do not think that any inllance can be shewn that

1704-5. also ordered them to be removed from Newgate, and taken into the custody of their serjeant at arms; which order was executed at midnight, with such circumstances of severity and terror, as have been seldom exercised towards the greatest

that ever privilege did extend so far, as to exclude or debar any man from bringing any action, but especially where there is just cause. This case has undergone a great and high judgment above upon the queen's writ of error. My brother Powis says, that he does not know, that this is the same case with that of Ashby and White. But if he will look upon the return, he will soon be satisfied, that it is. Another part of the return says, That the prosecution was contrary to the declaration, and in breach, &c. I do not well know, what is meant by a prosecution contrary to a declaration: But suppose there was a declaration. I much question, if that declaration will make that a breach of privilege, which was not so before. There is no precedent for it; and, if any man can bring such a precedent, it will go a great way with me. Privilege is not unlimited, but established by the rules of law. If a member break the peace, he must find sureties; or, if he commit high treason or felony, sitting the house, he must answer. If the declaration does claim a privilege, and says it is so; yet, if it was not so before, the people of England are not estopped to say it is so; so neither the one house, nor the other, can enlarge their privileges. They concern the liberties of a people in a high degree; and nothing but an act of parliament can make a man's person subject to imprisonment, but where originally he was so subject. The reason why judges do not give their opinions to the lords about their privileges is, because it is *lex parliamenti*; and the lords themselves being always there, are presumed to know their privilege best themselves. But whenever the question is about privilege in Westminster-Hall, we must judge of it according as it appears to us, and according to the law of the land. Suppose in this case the house of commons had not interposed; the plaintiffs had gone on, and the defendants had pleaded the whole matter of the privilege specially, and the plaintiffs had demurred, we then should have judged of it, because it would have been a plea to the jurisdiction of the court. All appears upon record now before the court, and therefore we are to judge of it as much as if it had been pleaded. The parliament-law of privilege is *lex terræ*, as much as any law used in Westminster-Hall, and my lord Clarendon gives us an account of privilege in the first volume of his history, p. 310, 311, 312. If it was privilege in the house before, then how comes it, that Ashby was not committed, who was the ring-leader, but is still at liberty? Another observation upon this

“ return

est offenders. These were such strange and unheard-of proceedings, that by them the minds of all people were much alienated from the house of commons. But the prisoners were under such management, and so well supported, that they would not submit, nor ask pardon of the house. It was generally believed, that they were supplied and managed by the lord Wharton. They petitioned the house of lords for relief, who resolved to proceed in the matter by sure and regular steps. They first came to the following general resolutions: "1. That neither house of parliament has any power, by any vote or declaration, to create to themselves any new privilege, that is not warranted by the known laws and customs of parliament. 2. That every freeman of England, who apprehends himself to be injured, has a right to seek redress by action at law; and that the commencing and prosecuting an action at common law is not a contempt." 1704-5. Feb. 27.

return is, that they do not say for a breach, but in breach; neither do I see, how bringing an action at law in one court, is in contempt of another court. This court here can hold plea in any action whatsoever. The house above cannot award process there; and then I cannot see, how a man suing here can be guilty thereby of a breach of the privileges of that court. These words are terrible, and would frighten men, when said, In contempt of the privileges of the house of commons, because every man is bound to maintain them in their lawful privileges. No doubt but they can commit in any case of privilege, as for a contempt committed in their court. But when the fact is mentioned, and the cause is a just action at law, no doubt but the proceeding in such action is just, and no contempt; such an action being grounded on the common law. As to my lord Shaftsbury's case, it was for facts done in the house; and the house may at any time commit a man for a contempt in the face of the house; Whereas the prisoners are committed, not for a breach of privilege or contempt, but because they have brought their actions, which are legal, and so adjudged by the lords in the writ of error. To conclude, the case of the lord Banbury is considerable with me: He petitioned the house of lords to sit, and also to have the king's leave. The lords determined he was not a lord; yet when he was brought upon an indictment, by the name of Charles Knowles, Esq, he here pleaded and insisted, that he was a peer; which plea was allowed, and he was not tried." But notwithstanding the chief justice's opinion, the prisoners were remanded.

1704-5. " mon law against any person (not intitled to privilege of
 " parliament) is no breach of the privilege of parliament.
 " 3. That the house of commons, in committing to New-
 " gate, Daniel Horne, Henry Bass, John Paton, junior,
 " John Paty, and John Oviat, for commencing and pro-
 " secuting an action at the common law, against the con-
 " stables of Ailbury, for not allowing their votes in elec-
 " tion of members to serve in parliament, upon pretence,
 " that their so doing was contrary to a declaration, a con-
 " tempt of the jurisdiction, and a breach of the privilege
 " of that house, have assumed to themselves alone a legisla-
 " tive authority, by pretending to attribute the force of a
 " law to their declaration; have claimed a jurisdiction not
 " warranted by the constitution, and have assumed a new
 " privilege, to which they can have no title by the laws and
 " customs of parliament, and have thereby, as far as in
 " them lies, subjected the rights of Englishmen, and the
 " freedom of their persons, to the arbitrary votes of the
 " house of commons. 4. That every Englishman, who is
 " imprisoned by any authority whatsoever, has an undoubted
 " right, by his agents or friends, to apply for and obtain a
 " writ of Habeas Corpus, in order to procure his liberty by
 " due course of law. 5. That for the house of commons
 " to censure and punish any person, for assisting a prisoner
 " to procure a writ of Habeas Corpus, or by vote, or other-
 " wise, to deter men from soliciting, prosecuting, or plead-
 " ing upon such writ of Habeas Corpus in behalf of such
 " prisoner, is an attempt of dangerous consequence, a breach
 " of the many good statutes provided for the liberty of the
 " subject, and of pernicious example, by denying the ne-
 " cessary assistance to the prisoner, upon a commitment of
 " the house of commons, which has ever been allowed upon
 " all commitments by any authority whatsoever. And, 6:
 " That a writ of error is not a writ of Grace, but of
 " Right, and ought not to be denied to the subject, when
 " duly applied for (though at the request of either house of
 " parliament) the denial thereof being an obstruction of
 " justice, contrary to Magna Charta."

Feb. 28. These resolutions being delivered to the commons at a
 conference, they took time to consider of them till the 7th
 of March, upon which day, at their desire, a second confe-
 rence was held, wherein the commons delivered a long an-
 swer, in which they set forth, that the right of determining
 elections was lodged only with them; and that therefore
 they only could judge who had a right to elect: That they
 only

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only were judges of their own privileges, and that the lords could not intermeddle in them. They quoted very copiously the proceeding in the year 1675, upon an appeal brought against a member of their house; and urged, that their prisoners ought only to apply to them for their liberty; and that no motion had ever been made for a writ of error in such a case.

The lords, upon this, desired a free conference, which was held with the commons on the 9th of March; but that it ended without success, was not surprizing, considering the temper, with which the commons came to it, and which appeared from the votes they made the day before, after they had agreed to the free conference. For, upon information, that their serjeant at arms had been served with two writs of Habeas Corpus, returnable before the lord keeper, in behalf of Mr. Montague and Mr. Denton, two of the gentlemen, who had been of council for the five prisoners, they came to these resolutions, "That no commoner of England, committed by the house of commons for breach of privilege, or contempt of that house, ought to be by any writ of Habeas Corpus made to appear in any other place, or before any other judicature, during that session of parliament, wherein such person was so committed. That the serjeant at arms attending that house do make no return, nor yield any obedience to the said writs of Habeas Corpus; and, for such his refusal, that he have the protection of the house of commons. And that the lord-keeper be acquainted with the said resolutions, to the end that the said writs of Habeas Corpus might be superseded, as contrary to law, and the privilege of the house." Five March 13. days after, the commons ordered the report of the free conference, which was made by Mr. Bromley, to be entered upon their journals; and resolved, "That the proceedings of the house, in relation to the Ailsbury men committed by the house for breach of privilege, and the other proceedings of that house in that matter, were in maintenance of the ancient and undoubted rights and privileges of the commons of England." And they ordered all the proceedings in relation to the Ailsbury men, the report of the lords journals, and the report of the conferences, and of the free conference, to be printed. The next day, the lords attended the queen with a full representation of the whole thing, wherein having recited the matter of fact relating to this affair, they laid before her, "That the proceedings of the house of commons against the Ailsbury men

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“ men were wholly new and unprecedented. That it is th
 “ birth-right of every Englishman, who apprehends him
 “ self to be injured, to seek for redress in her majesty
 “ courts of justice. That if there be any power, that ca
 “ controul this right, and can prescribe when he shall, an
 “ when he shall not, be allowed the benefit of the laws
 “ he ceases to be a freeman, and his liberty and proper
 “ are precarious. That the crown lays claim to no suc
 “ power, and their lordships were sure the law has truste
 “ no such authority with any subjects whatsoever.” The
 urged, “ That in former times the opinion of the house o
 “ commons was very different from what it was at present,
 “ of which their lordships gave several instances; and they
 “ concluded with an humble request, “ That no importunity
 “ of the house of commons, or any other consideration
 “ whatsoever, might prevail with her majesty to suffer a
 “ stop to be put to the known course of justice, but that
 “ she would be pleased to give effectual orders for the im-
 “ mediate issuing of the writs of error.”

This representation was thought so well drawn, that some
 preferred it to those of the former sessions; it contained a
 long and clear deduction of the whole affair with great de-
 cency of style, but with many heavy reflections on the house
 of commons*.

* See

Pr. H. L. By this time the whole business of the session was brought
 II. 126.— to a conclusion; for the lords, who had the money-bills,
 144. would not pass them till this was ended. The queen, in
 answer to their representation, told them, “ That she
 “ should have granted the writs of error they desired, bu
 “ that finding an absolute necessity of putting an immediat
 “ end to this session, she was sensible there could have been
 “ no further proceedings upon that matter.” This answer
 being reported to the house of lords, was looked on by
 them as a clear decision in their favour, and therefore the
 ordered, “ That the humble thanks of their house be im-
 “ mediately presented to her majesty, for her most gracious
 “ answer, in which she had expressed so great a regard to
 “ the judgment of their house, so much compassion to th
 “ prisoners, and such tenderness to the rights of the subject.

The Par- About an hour after, the queen came to the house of
 liament is lords, and, after passing the bills, ended the session with the
 prorogued following speech to both houses:
 March 14.

My lords and gentlemen,

" I Cannot put an end to this session, without doing you The
 " the justice to acknowledge you have fully made good queen's
 " the assurances you gave me at the beginning of it, by the speech at
 " great readines you have shewn in the dispatch of the the end of
 " public business. And I make no doubt, but this dis- the first
 " patch will prove a real advantage to us, and a great dis- parlia-
 " courage to our enemies. ment.

Pr. H. C.
 III. 441.

Gentlemen of the house of commons,

" I return you my hearty thanks in particular for the great
 " supplies with which you have inabled me to carry on this
 " necessary war. I assure you, they shall be carefully applied
 " to the uses, for which they have been given; and I
 " persuade myself, I shall always have the chearful assistance
 " of my dutiful and loving subjects, in the prosecuting of
 " the present war, till our enemies are obliged to such a
 " peace, as shall be a lasting advantage and security to us
 " and our allies.

My lords and gentlemen,

" We have, by the blessing of God, a fair prospect of
 " this great and desirable end, if we do not disappoint it by
 " our own unreasonable humour and animosity, the fatal
 " effects of which we have so narrowly escaped in this
 " session, that it ought to be a sufficient warning against any
 " dangerous experiments for the future.

" I conclude therefore with exhorting you all to peace
 " and union, which are always commendable, but more
 " particularly necessary at this time, when, the whole king-
 " dom being shortly to proceed to new elections, it ought
 " to be the chief care of every body, especially of such
 " as are in public stations, to carry themselves with the
 " greatest prudence and moderation. Nothing will con-
 " tribute more to our reputation abroad, and our security
 " at home."

Then the lord-keeper, by her majesty's command prorogued the parliament to Thursday the 1st of May following.

The narrow escape intimated by the queen in her speech, was universally understood to be meant of the tack, as indeed it could be meant of nothing else.

Thus this session, and with it this parliament, came
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to an end. It was no small blessing to the queen and to the nation, that they got so well out of such hands. They had discovered on many occasions, and very manifestly, what lay at the bottom with most of them; but they had not skill enough to know how to manage their advantages, and to make use of their numbers. The constant successes, which had attended the queen's reign, put it out of their power to compass that which was aimed at by them, the forcing a peace, and consequently the delivering up all to France. Sir Christopher Musgrave, the wisest man of the party, died before the last session; and by their conduct after his death it appeared, that they wanted his direction. He had been at the head of the opposition, that was made in the reign of king William from the beginning to the end; but he gave up many points of great importance in the critical minute, for which there were good grounds to believe, that he had twelve thousand pounds from that king at different times. At his death he appeared to be much richer than by any visible computation he could be valued at; which made some cast an imputation upon his memory, as if he had received great sums even from France.

Bills not
passed.
Burnet.

Before we take leave of this parliament, it will be proper to take notice of some things, which were begun, but not finished in it. There was a bill offered for the naturalization of some hundreds of Frenchmen, to which the commons added a clause, disabling the persons so naturalized from voting in elections of parliament. The true reason of this was, that it was observed that the French in England gave in all elections their votes for those, who were most zealous against France; and yet, with an apparent dissingenuity, some of the members gave it as a reason for such a clause, that they must be supposed so partial to the interests of their own country, that it was not fit to give them any share in the government. The lords looked on this as a new attempt, and the clause added was a plain contradiction to the body of the bill, which gave them all the rights of natural-born subjects; while this took from them the chief of them all, the choosing their representatives in parliament. They would not therefore agree to it, and the commons resolved not to depart from it; so that, without coming to a free conference, the bill fell with the session.

Another bill was begun by the lords against the papists. It was occasioned by several complaints brought from many parts of the kingdom, especially from Cheshire, of the practices and insolence of those of that religion. A bill there-
fore

fore was ordered to be brought in, with clauses in it which would have made the act passed against them four years before, prove effectual, which, for want of these, had hitherto been of no effect at all. This passed the lords, and was sent to the commons, who had no mind to pass it, but, to avoid the ill effects of their refusing such a bill, they added a clause to it, (a), containing severe penalties on papists, who should once take the oaths, and come into the communion of the church of England, if they should be guilty of any occasional conformity with popery afterwards. They imagined, that this of occasional conformity was so odious to the lords, that every clause, that condemned it, would be rejected by them. But when they came to understand, that the lords were resolved to agree to the clause, they would not put it to that hazard; and therefore the bill lay on their table till the prorogation.

A general self-denying bill was offered by those very men, who, in the first session of parliament, when they hoped for places themselves, had opposed the motion of such a bill with great indignation. Now the scene was a little altered; they saw they were not like to be favourites, and therefore pretended to be patriots. This looked so strangely in them, that it was rejected; but another bill of a more restrained nature passed, disabling some officers, particularly those who were concerned in the prize-office, from serving in parliament. To this a general clause was added, that disabled all, who held any office, that had been created since the year 1684, or any officer that should be created for the

- (a) It was as follows: ' provided always, that all persons, who by virtue of this act, shall be obliged to take the oaths of allegiance and supremacy, and subscribe the declaration, shall, at the same time, declare himself to be a member of the church of England, as now by law established; such declaration to be entered on the same roll, where the said oaths and declarations, so to be taken and subscribed, are to be entered. And in case any such persons shall, after their taking such oaths, and making such declarations, as aforesaid, knowingly and willfully resort to, or be present at any conventicle, assembly, or meeting, under colour or pretence of any exercise of religion, in other manner, than according to the liturgy and practice of the church of England, in any place within this kingdom, he shall forfeit the sum of one hundred pounds, for every time he shall be present at such assembly, conventicle, or meeting.'

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(a) On

1704-5. the future, from sitting in parliament. This bill had a quick and easy passage among the commons, being brought in on the 16th of January, and sent up to the lords on the 23d of that month, who did not think fit to agree to so general a clause, but consented to a particular disability put on some officers by name. The commons did not agree to this alteration, but insisted on the whole; and therefore the bill fell.

Among the many ways and expedients, by which the tory-party of the house of commons endeavoured to secure their interest against a new election, they thought it necessary to procure an act, whereby the commissions of the peace should be lodged in the hands of men of estates; and thereupon a bill was brought in, and passed on the 2d of February, for qualification of justices of the peace; but the same being sent up to the lords, they did not think fit to give it their concurrence.

1705. On the 5th of April, the parliament, according to the triennial act, being now expiring, a proclamation was issued out for dissolving it; and, on the 23d, another was published for calling a new parliament (a).

The conclusion of the parliament set the whole nation in a general ferment; both parties studied how to dispose the minds of the people in the new elections, with great industry and zeal.

The affairs of Europe were now thought in such a situation, that the war could not run beyond the period of the next parliament. A well-chosen one must prove a public blessing, not only to England, but to all Europe; as a bad one would be fatal at home, as well as to the allies abroad. France was now reduced to great exigencies. All methods of raising money were so much exhausted, that they could afford no great supplies; so that, in imitation of our Exchequer bills, they began to give out Mint-bills; but they could not create that confidence, which is justly put in parliament.

(a) On the 10th of April, the queen, with his royal highness, went to New-market. Two days after Dr. Ellis, vice-chancellor of the university of Cambridge, waited on her, and desired her to honour them with her presence at dinner. The queen having accepted the invitation, was magnificently entertained in Trinity-college-hall. Eleven noblemen were made doctors of law, and Pellet, Arbuthnot, and Vernon, doctors of physic. James Montague, council for the university, the vice-chancellor, and the famous Isaac Newton, mathematical professor, were knighted.

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ntary credit. The French had hopes from their party
gland; and there was a disjointing in the several pro-
of the United Provinces; but as long as England
ued firm and united, it had a great influence on the
, at least to keep things intire during the war. It was
, therefore, that a good election in England must
uch a prospect for three years, as would have a great
ice on all the affairs of Europe.

END of CHAP. I.



G 3

THE

THE
HISTORY
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BOOK XXX. CHAP. II.

Proceedings in the convocation.—Promotions in the church—and in the state.—Affairs of Ireland.—Of Scotland.—The duke of Marlborough marches to Triers.—Expects the prince of Baden, who fails him.—The French take Huy and Triers.—Their lines forc'd by the duke of Marlborough.—His attacking the French oppos'd by the Dutch.—Proceedings on the Rhine.—The emperor Leopold's death and character.—Affairs of Italy—of Spain and Portugal—in Catalonia and Valentia—in Hungary and Poland.—A parliament chosen in England.—The queen's speech to her 2d parliament.—Address about the union.—Debates about the next successor.—A bill for a regency oppos'd.—Remarks on the proceedings of the Tories.—Secret management in the house of commons.—Regency-bill passes.—Complaints of the allies rejected.—Act against the Scots repeal'd.—Queen's speech about the Spanish affairs.—Danger of the church enquir'd into.—The church declared to be out of danger by lords and commons.—Public credit very high.—Complaints of, and progress of popery.—Scheme for a public library.—Bills to regulate law proceedings.—Parliament prorogued, with a speech.—Proceedings in the convocation.—

1705.

Proceed-
ings in the
convoca-
tion.

THE convocation sat at the same time with the parliament: though it was then so little considered, that scarce any notice was taken of them; and they deserved that no mention should be made of them. As the house of commons thought fit, in their address at the beginning of the session, to put the successes by sea and land on a level, the lower house of convocation were resolved to follow their example, and would have the sea and land both mention-

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mentioned in the same terms; but the bishops would not vary from the pattern set them by the house of lords; so no address was made by the convocation. The lower-house continued to proceed with much indecent violence, and brought up injurious and reflecting addresses to the upper-house, which gave a very large exercise to the patience and forbearance of the archbishop and bishops. On December 1, they presented another representation, signifying their grief at the general complaint of the clergy, that, though convocations had been held now for some years after a long discontinuance, yet the public had not hitherto reaped the benefits that might be expected: That this tended to disparage the constitution of the church, and tempted some to speak against the necessity and usefulness of ecclesiastical synods. They promise, for time to come, to do what they can to silence that complaint: and intimate, that the fault did not lie in them that more had not been done. That the unhappy disputes between the two houses had been their hindrance, but that they neither raised them, nor omitted any means they could contrive for bringing them to a regular determination. They begged leave again to take notice of the many pernicious books that were published and dispersed, and requested their lordships (as formerly) to use their interest in parliament for a bill to repress the licentiousness of the press. They represented also the increasing difficulties of the parochial clergy, about administering the holy sacrament indifferently to all persons that demand it, in order to qualify themselves for offices; because they saw not how they could in several cases act conformably to the rubricks and canons of the church, in repelling such persons as were unworthy, and particularly notorious schismatics, without exposing themselves to vexatious and expensive suits at law. They beg they would use their interests for the freeing them from these difficulties, and, in the mean time, give them directions how to behave themselves under such exigencies. The archbishop and bishops made large remarks on this paper. They observe, that it was not directed to the president, whom they had endeavoured to deprive of his ancient title. They tell them, that it is they, who, by their unwarrantable claims and encroachments, made it impossible for the convocation to do the church any service. That, should their innovations run on, there would be a new danger of presbytery; for presbyters would be enabled hereafter to bid defiance to their ecclesiastical superiors, and to act inde-

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pendently from them in the highest and most general concerns of the church. That it is strange any of the clergy should understand so little of the constitution, as to complain, that no business is finished, when the royal licence has not enabled them to begin any : Or, that they should hope, that an attempt to do business, while this was wanting, could have any other effect than the increasing differences. For that they would be still running into irregular practices, against which their brethren would enter their protestations, and against which their lordships must find some other method of proceeding. That their lordships could not but look upon the seeming earnestness of the clergy to proceed to business, as a design to render themselves popular, and their superiors odious : And that it was dangerous to those whom they represented. That in 1689 the lower-house was for superseding all business, with a royal licence in their hands, &c. That there are laws and canons in being sufficient to correct and punish offenders. That, if any thing hindered discipline, it was the reproaches industriously spread amongst the clergy against the bishops and their proceedings. That the present disputes grew purely from the attempts of some of the clergy to disengage themselves from the authority of the bishops, by privileges, which their predecessors never claimed nor pretended to, and therefore they were amazed at their solemn contrary declaration. The steps the bishops had taken are reckoned up, by which they had testified their desire of peace and good agreement, That the convocation has really no authority to pass such censures upon books as they desired : That grievances of the clergy may be regularly offered by their representatives in convocation, But that it is without precedent for presbyters to expect, that their metropolitan and bishops should be accountable to them for their conduct and behaviour in their several visitations. And that, as concerning directions about their refusal of the holy sacrament to unworthy persons, they could give them no better than the rubrics and canons of the church, which he, that would strictly and religiously observe, could not be wanting, either in a dutiful regard to his superiors, or in a conscientious care of the flock. The lower-house sent up two other papers, in one of which they complain of the dissenting teachers presuming to administer baptism in private houses, and of the increase of non-licensed schools and seminaries ; and in the other they accuse the bishop of Sarum of insinuating, that many of the persons, concerned in preparing their

their representation of grievances last winter, were enemies to their lordships, the queen, and the nation *.

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As the lower house still held their intermediate sessions, the archbishop, on February 14, asked the prolocutor, if they had held any intermediate sessions since the last synodical day: The prolocutor answered, they had held one the Monday before. The archbishop told him it was very irregular, and that he admonished them to hold no more intermediate sessions, which was a violation of the president's right, and contrary to the constant custom of convocations.

February 23. The prolocutor told the archbishop, that their house had taken his admonition into consideration; and represented in return, that they had not been guilty of any irregularity by their intermediate session; that the holding such sessions, as oft as they shall see cause, is no violation of the president's right, nor contrary to the custom of convocations, but an unquestionable right of the lower house, from which they could not depart. And that, if the admonition was intended as judicial, they protested against it as void and null, and of no effect in law, and to which no obedience can be due: And desired, that this their answer and protestation (for which they were ready to assign their reasons) might be entered in form by the register in the acts of the day.

However, this put a stop to their intermediate meetings, for they would not venture on the censures, that must in course follow, if no regard was had to the admonition. On March 15, at the final prorogation, the archbishop dismissed them with a wise well-composed speech. He told them, that, whereas they had brought up many complaints, the greatest part of them did not require any answer, after so many former expressions of the judgments and resolutions of the bishops concerning them. That their paper, of December 1, was of so undutiful a nature, that it might justly be accounted an act of clemency in their lordships to pass it by without censure: And yet they drew up observations upon it, and entered them in their register, and they might be seen by any one that desired it. That there is no such thing as adjournments, in the language or practice of convocations; and that prorogations have been all along managed by commissaries, from the restoration to the revolution. That their representation concerning unlicensed schools

* Alluding to his charge at his triennial visitation, 1704.

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schools and seminaries was a matter of law. That their former complaints against the bishop of Sarum had not sufficient ground. That, in what they now complained of, the bishop referred to flying reports set about to the prejudice of the upper house, which they had all reason to complain of; though they prayed God to forgive the guilty, and pitied those who were led away by wilful and perpetual misrepresentations. That their lordships would govern themselves by the articles and rubricks, the canons and statutes; and that they knew no way of retrieving the honour of convocations, but by the departing of the clergy of the lower-house from unwarrantable claims and innovations, and returning to the ancient canonical methods.

He added, that this convocation was near an end, and a new one would probably be summoned: And that, if new occasion should be offered, he should think himself obliged to exert his authority, seeing no better fruit had been reaped from his past conduct, which some ascribed to fear, and others to remissness. And he told them, he wished, that the clergy of the next convocation might govern themselves by the constitution as it is, and not as they would desire it might be; that they might not divide in two that body of the convocation, which is but one; but prevent all irregularities, and thereby all censure, by meeting together with such peaceable tempers and dutiful dispositions, as became their function and order.

The governing men among the lower-house were headstrong and factious, and designed to force themselves into preferments by the noise they made, and by this ill humour that they endeavoured to spread among the clergy, who were generally soured, even with relation to the queen herself, beyond what could be imagined possible.

Promotions in the last to fill the see of St. David's, which had now been long vacant. Dr. Bull was promoted to it, in the room of Dr. Burnet. Watson, deprived for his enormities (1). Bull had writ the most learned treatise the age had produced, of the doctrine

(1) Watson's affair was debated this last session in the house of lords, which the queen came to hear in person. His business had been kept long on foot in the courts below, by all the methods of delay that lawyers could invent: After five years pleading, the concluding judgment was given in the Exchequer, that he had no right to the temporalities of that bishop-

trine of the primitive church, concerning the Trinity. This treatise had been so well received all Europe over, that, in an assembly general of the clergy of France, the bishop of Meaux was desired to write over to a correspondent he had in London, that they had such a sense of the service he had done their common faith, that upon it they sent him their particular thanks: I read the letter, says Burnet, and so I can deliver it for a certain truth, how uncommon soever it may seem to be. The queen had, a little before this, promoted Dr. Beveridge to the see of St. Asaph, who had shewed himself very learned in the ecclesiastical knowledge. They were both pious and devout men, but were now declining; both of them being old, and not like to hold out long. Soon after this, the see of Lincoln became vacant by that bishop's death, and Dr. Wake (late archbishop of Canterbury) was promoted to it. He was a man eminently learned, an excellent writer, a good preacher, and, which is above all, a man of an exemplary life.

It was no small mortification to the high-church party, that the duke of Buckingham was removed, and the privy-
Alterations and
 seal promotions in
 the state.

bishoprick: And that, being affirmed in the Exchequer-chamber, it was now by a writ of error brought before the lords in the last resort: But, as the house seemed now to be set, he had no mind to let it go to a final decision: So he delayed the assigning the errors of the judgment, till the days were lapsed, in which, according to a standing order, errors ought to be assigned upon a writ of error, in default of which, the record was to be sent back. He suffered the time to lapse, though particular notice was ordered to be given him, on the last day, in which, according to the standing order, he might have assigned his errors: And the house sat that day some hours on purpose waiting for it. Some weeks after that, when the session was so near an end, that he thought his cause could not be

heard during the session, and so must in course have been put off to another session, he petitioned for leave to assign his errors: This was one of the most solemn orders, that related to the judicature of the lords, and had been the most constantly stood to: It was not therefore thought reasonable to break through it, in favour of so bad a man, of whom they were all ashamed, if parties could have any shame. He had affected, in every step he had made, to seek out all possible delays, for keeping the see still void, which, by reason of a bad bishop, and a long vacancy, was fallen into great disorder: Yet, after all this, he had still by law the benefit of a writ of error, which he might bring in any subsequent session of parliament. For which reason the queen resolved to fill the see.

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1705. seal given to the duke of Newcastle, whose interest was great with the whigs. About the same time, the earl of Peterborough and the lord Cholmondley were sworn of the privy council. The lord Cutts was appointed to command the forces in Ireland under the duke of Ormond; but this seeming preferment was, in reality, a kind of disgrace, for his lordship would gladly have changed this command for an equivalent in the service abroad. The earl of Montague was created marquis of Mounthermer, and duke of Montague.

Before the operations of the campaign are related, it will be necessary to give an account of the proceedings in the parliaments of Scotland and Ireland.

The af-
fairs of
Ireland.
Burnet.
Hist. of
Europe.

In Ireland, the new heat among the protestants there, raised in the earl of Rochester's time, and connived at, if not encouraged by the duke of Ormond, went on still: A body of hot clergymen, sent from England, began to form meetings in Dublin, and to have emissaries and a correspondence over Ireland, on design to raise the same fury in the clergy of that kingdom against the dissenters, that they had raised here in England: Whether this was only the effect of an unthinking and ill governed heat among them, or if it was set on by foreign practices, was not yet visible. It did certainly serve their ends, so that it was not to be doubted, that they were not wanting in their endeavours to keep it up, and to promote it, whether they were the original contrivers of it or not; for indeed hot men, not practised in affairs, are apt enough, of their own accord, to run into wild and unreasonable extravagances.

The parliament met at Dublin the 5th of March, and voted a hundred and fifty thousand pounds for the support of the necessary branches of the establishment. A few days after, the lower house of convocation of the clergy of the church of Ireland being informed, That heads of a bill for the better improvement of the hempen and flaxen manufactures of that kingdom, were brought into the house of commons, wherein there was a clause to ascertain the tithes of hemp and flax: They presented a memorial to the house of commons, desiring, that the clause might not pass in the bill, being, as they apprehended, very prejudicial to the rights and properties of the clergy of Ireland, with the care of which they were intrusted. This message was signed by the prolocutor, and delivered by their actuary, who was a servant to the upper house of convocation. Upon the receipt of the memorial, the commons, instead of appointing

a time for hearing their reasons upon it, voted the person, that brought it, guilty of a breach of the privilege of the house; and, ordering him to be taken into custody, further resolved, "That it appeared to them, that the convocation, in pretending to have the care of the civil rights of the clergy, were guilty of a contempt and breach of the privilege of that house." The commons expected, that the convocation should make a submission, and acknowledge, "That they had nothing to do with the civil rights; and that their meddling with those rights was a contempt and a breach of privilege." But, instead of that, the convocation sent them a letter, wherein they justified their memorial, "as no ways incroaching upon the privileges of the house of commons, and consequently no breach of privilege." Hereupon the commons voted, "That all matters relating to the memorial should be razed out of the journals and books of convocation." Which being like to raise to greater heats, the duke of Ormond thought proper to send a message to both houses, that they should adjourn to the 1st of May ensuing; which was done accordingly. 1705. 

March 22.

During this adjournment, the duke made a progress into the North of Ireland; and, having taken some able engineers along with him, caused plans and schemes to be made, to increase the strength of several fortified towns. He was received every where with great respect; and the presbyterians, who had been misrepresented, upon account of some late transactions in Scotland, thought this a proper opportunity to clear themselves of the aspersions cast upon them; and therefore, while the duke was at Antrim and Londonderry, some of the presbyterian ministers waited on him, and delivered to him very dutiful addresses. But that did not hinder the convocation from inveighing against them, in a resolution passed by them soon after.

Upon the duke's return to Dublin, the parliament sat again; and the house of commons, taking notice of the restless endeavours of the enemies of the public peace, to create divisions among the protestants of that kingdom, to strengthen the interest of the pretended prince of Wales, and obstruct the succession in the protestant line, came to the following unanimous resolutions:

"I. That endeavouring to create or promote misunderstanding betwixt the protestants of this kingdom, tends to the advantage of the papists, and the weakening of the protestant interest, is seditious, and of dangerous consequence" March 25.

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“ quence to her majesty’s government, and the success
 “ the protestant line as by law established.

“ II. That by writing or dispersing pamphlets, or
 “ wise to insinuate danger to the established church from
 “ succession as by law established, tends to promote popery
 “ and the interest of the pretended prince of Wales.

“ III. That it is the indispensable duty of all magistrates
 “ in this kingdom to put the laws strictly in execution
 “ against all persons who shall be guilty of such pernicious
 “ practices. (1)” These vigorous resolutions were
 “ owing to Mr. Molesworth.

On the other hand, the convocation of the clergy
 clear themselves from the aspersions of being enemies
 protestant succession, passed the following resolutions :
 “ That this church and nation, having lately been
 “ utmost danger of being over-run by popery and ty-
 “ were happily delivered from both, by means of the
 “ revolution, brought about (under God’s providence)
 “ his late majesty king William III. of glorious me-
 “ 2. That the continuance and improvement of the
 “

(1) On the 1st of June, the attorney-general reported, from
 the committee appointed to con-
 sider the state of the nation, the
 following resolutions, which
 were also unanimously agreed to
 by the house : ‘ I. That to sug-
 ‘ gest by words or writings, that
 ‘ the established church is not
 ‘ well affected to the succession
 ‘ of the crown in the protestant
 ‘ line, as settled by acts of par-
 ‘ liament, or any way inclined
 ‘ to countenance popery, is a
 ‘ false and malicious aspersion,
 ‘ and tends to create a dangerous
 ‘ division amongst the protest-
 ‘ ants, and to promote the de-
 ‘ signs of papists and traitors in
 ‘ favour of the pretended prince
 ‘ of Wales. II. That the erect-
 ‘ ing and continuing any semi-
 ‘ nary for the instruction and
 ‘ education of youth in princi-
 ‘ ples contrary to the established
 ‘ church and government, tends
 ‘ to create and perpetuate
 ‘ understandings among
 ‘ testants. III. That
 ‘ mass, preaching or te-
 ‘ in separate congregations
 ‘ persons, who have not
 ‘ the oath of abjuration
 ‘ hearing, maintaining
 ‘ countenancing such
 ‘ tends to defeat the suc-
 ‘ of the crown in the pr-
 ‘ line, and to encoura-
 ‘ advance the interest
 ‘ pretended prince of
 ‘ IV. That all judges
 ‘ gistrates are under the
 ‘ obligation to make
 ‘ diligent inquiry into
 ‘ wicked practices; and,
 ‘ utmost, endeavour to
 ‘ and punish the auth-
 ‘ them; and such, as
 ‘ neglect the same, ought
 ‘ looked upon as enemies
 ‘ majesty’s government
 ‘ prosperity of this king-

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“sings are due (next under God) to the auspicious reign
 “and happy government of her majesty queen Anne,
 “whom Almighty God long preserve. 3. That the future
 “security and preservation of this church and nation de-
 “pends wholly (under God) on the succession of the crown,
 “as it is now settled by law, in the protestant line. 4.
 “That if any clergyman of this church shall either by
 “word or writing declare any thing in opposition to the
 “foregoing resolutions (which we hope will never happen)
 “we shall look upon him as a sower of divisions among the
 “protestants of the established church, and as an enemy to
 “our constitution. And, after this public and solemn de-
 “claration, we hope no person whatsoever will be so unjust
 “and uncharitable, as to declare and insinuate, that the
 “clergy of the church of Ireland, as by law established,
 “were not intirely in their affections for the late king Wil-
 “liam of glorious memory, or are not in the true interest
 “of the present government; or that they are any way
 “disaffected to the succession in the protestant line, as by
 “law established.” But to these four resolutions the con-
 vocation added a fifth, levelled against the presbyterians:
 “That for any person to teach or preach against the doc-
 “trine, government, rites, or ceremonies of this church;
 “or to keep up and maintain schools and seminaries for the
 “education of youth, in principles contrary to those of the
 “established church, is a contempt of the ecclesiastical laws
 “of this kingdom, is of pernicious consequence, and serves
 “only to continue and widen the unhappy schisms and di-
 “visions in the nation.”

Soon after these resolutions and votes, the parliament was June 16.
 prorogued to the 13th of June, 1706, and the duke of
 Ormond embarked for England, leaving the administration
 of the government of Ireland in the hands of Sir Richard
 Cox, lord-chancellor, and of the lord Cutts, commander in
 chief of the queen's forces, who were appointed lords justices
 during the duke's absence.

A great change was now made in the ministry of Scot-
 land. The English ministry, having with difficulty escaped
 being attacked upon account of the act of security passed
 there, resolved to use their utmost endeavours to get the
 protestant succession settled there, or to procure an union of
 the two kingdoms. The dukes of Argyle and Queensberry
 took this opportunity to serve each other; and severally to
 represent to the whig lords, “That the marquis of Twee-
 “dale and his party had been zealous promoters of the act
 “of security: That they were so insignificant and so despi-
 “sed

The Af-
 fairs of
 Scotland.
 Burnet.
 Lockhart.
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 Eur.

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“ fed through the whole nation, that they could do no-
 “ thing ; but, granting they should prevail, and carry the
 “ fucceffion with the limitations infifted on, of what dan-
 “ gerous confequence muft even that prove, fince thereby a
 “ great part of the chief means England had to continue
 “ Scotland in dependance was removed, perhaps never to be
 “ recovered ? That the duke of Queensberry had been laid
 “ afide for no crime, and no reafon given, but what testi-
 “ fied his firmnefs and refolution in oppofing every thing,
 “ that was difagreeable and inconvenient to England. And
 “ that the duke of Argyle, being a young man, of a for-
 “ ward bold fpirit, and lively natural parts, who had gained
 “ the leading of the prefbyterians, as his father had done
 “ before him, was therefore a proper perfon to be employed
 “ at this juncture.” Thefe, and the like confiderations,
 had the defired effect with the whig lords, who prevailed
 with the queen and her minifters to lay afide the motley mi-
 niftry of Scotland ; and, accordingly, the marquis of Twee-
 dale, the earls of Rothes, Roxburgh, and Selkirk, the lords
 Belhaven, Mr. Bailie of Jervifwood, and Mr. Johnfton were
 removed ; and the chief management of affairs was commit-
 ted to the duke of Queensberry, though with the bare title
 of lord privy-feal. At the fame time the duke of Argyle
 was declared high-comiffioner to the next parliament ; the
 earl of Seafield reinfated chancellor ; the marquis of Annan-
 dale and the earl of Loudon made fecretaries of ftate ; Sir
 James Murray of Philiphaugh regifter ; and all the privy-
 counfellors laid afide by the laft miniftry (except Sir James
 Fowles of Collingtown, and Mr. Lockhart of Cornwath)
 were reftored.

The duke of Argyle’s inftructions were, that he fhould
 endeavour to procure an act, fettling the fucceffion as it was
 in England ; or to fet on foot a treaty for the union of the
 two kingdoms. When he came to Scotland, and laid his
 inftructions before the reft of the minifters there, the mar-
 quis of Ammandale preffed, that they fhould firft try that,
 which was firft named in the inftructions ; and he feemed
 confident, that, if all, who were in employments, would
 concur in it, they fhould be able to carry it. Thofe of ano-
 ther mind, who were in their hearts for the pretended prince
 of Wales, put this by with great zeal, alledging, they muft
 not begin with that, which would meet with great oppofi-
 tion, and be perhaps rejected : Oppofition would beget fuch
 an union of parties, that, if they mifcarried in the one,
 they fhould not be able to carry the other ; therefore they
 thought,

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thought, that the first proposition should be for the union : Not only as it was a popular thing, but as it seemed to be remote : And consequently, there would be a great opposition made to a general act about it. Those who intended still to oppose it, would reckon they should find matter enough in the particulars to raise a great opposition, and to defeat it. This course was agreed on ; at which the marquis of Annandale was so highly offended, that he concurred no more in the counsels of those, who gave the other advice. Some sincerely desired the union, as that which would render the whole island happy. Others were in their hearts against it : They thought it was a plausible step which they believed would run by a long treaty into a course of some years : That, during that time, they should be continued in their employments ; and they seemed to think, it was impossible so to adjust all matters, as to frame such a treaty, as would pass in the parliaments of both kingdoms. The Jacobites concurred all heartily in this. It kept the settling the succession at a distance, and very few looked on the motion for the union as any thing but a pretence, to keep matters yet longer in suspense.

At the opening of the session of parliament, which met on the 28th of June, 1705, there appeared three different parties ; the Cavaliers, or Anti-Revolutioners ; the Squadron, or Flying Squadron, consisting of discarded courtiers, who pretended to hold and turn the balance of the contending parties (1) ; and the present courtiers, who consisted of zealous presbyterians and revolutioners. The cavaliers, headed by the duke of Hamilton, applied to the marquis of Tweeddale and his party, the flying squadron, to persuade them to unite again, to oppose the courtiers ; but they positively refused to treat or concert measures with the cavaliers, resenting the disappointments they had met with the last year.

Many members being absent at the opening of the session, the lord-commissioner adjourned the parliament to the 3d of July, when being met again, the queen's letter to them was read, wherein her majesty " recommended to them, " with the greatest earnestness, the settling the succession " in

(1) The chief of the squadron, besides the marquis of Tweeddale, were the earls of Rothes, Roxburgh, Haddington, and Marchmont. They were in great credit, because they had no visible bias on their minds. Their number was between twenty and thirty. Burnet, II. 460.

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“ in the protestant line ; and, to prevent any objection to
 “ the settlement, that could be suggested from the views or
 “ fear of future inconveniencies, that might happen to
 “ Scotland from thence, she told them, she should be ready
 “ to give the royal assent to such provisions and restrictions,
 “ as should be found necessary and reasonable in such a case.
 “ That being fully satisfied, that great benefits would arise
 “ to all her subjects by an union of Scotland and England,
 “ and that nothing could contribute more to the composing
 “ of differences, and extinguishing the heats raised and fo-
 “ mented by the enemies of both nations, than the promot-
 “ ing of every thing, that tended to the procuring the
 “ same: Therefore she earnestly recommended to them to
 “ pass an act for a commission, to set a treaty on foot be-
 “ tween the two kingdoms, as her parliament of England
 “ had done. Concluding with the usual demand of the ne-
 “ cessary supplies, and acquainting them with her choice of
 “ the duke of Argyle to be her commissioner, whom she had
 “ fully impowered to declare her firm resolution to maintain
 “ the government both in church and state, as by law
 “ established, and to consent to such further laws, as should
 “ be thought necessary for that end, for the better improv-
 “ ing of trade and manufactures, and generally for the good
 “ and advantage of the kingdom.” The lord commissioner
 and the earl of Seafield, lord chancellor, in their respective
 speeches, inferred the necessity of what was recommended
 in the queen’s letter ; and the same day was read another
 letter from the queen to the lord commissioner, appointing
 lord Archibald Campbel, his first cousin, to have the place
 and vote of lord high treasurer, in this session of parliament.

On the 6th of July, the marquis of Annandale presented
 a proposal, “ That the parliament would go upon the con-
 “ sideration of such limitations and conditions of govern-
 “ ment, as should be judged proper for the next successor
 “ in the protestant line ; and that, at the same time, a
 “ committee be appointed to consider the condition of the
 “ coin of the nation, and the state of its commerce or trade,
 “ as to export and import, and to prepare and bring in the
 “ most proper remedies and regulations for that end.”
 Hereupon the earl Marischal presented a resolve, “ That
 “ the house, previous to all other affairs, would make such
 “ regulations of the trade and coin of this kingdom, as
 “ might be most for the advantage of the nation.” Another
 resolve was also presented by the earl of Mar, “ That the
 “ house would, preferably to all other business, take into their
 “ con-

“consideration the nation’s circumstances, as to England, and how to enter into a treaty with them.” This last being seconded by few, his lordship thought fit to withdraw it till another time; but the house fell into a debate of six hours upon the two first motions, and at last it came to the question, whether to proceed first to the consideration of coin and trade, or to that of limitations; and the first was carried. Then a second question was put, Whether the coin and trade should be taken into consideration by way of resolve, which excluded all other business till that should be determined, or by way of proposal, which admitted of other business; and this was carried likewise by a great majority. It was the opinion of many, that the cavaliers made a wrong step in postponing the more material affairs, and trifling away the beginning of the session in matters of no importance; for, if they had immediately called for the queen’s letter, in order to return an answer to it, the treaty with England would naturally have fallen under consideration, and the duke of Queensberry’s friends not being yet gone off from them, they might have either rejected it, or at least clogged it as they pleased, and chosen such members as they thought fit to be commissioners. Whatever ground there may have been for this conjuncture, it is certain, that the three next,* and many other sittings were spent in the consideration of trade; in relation to which several overtures or proposals were laid before the house, some of which passed into laws, and the others were rejected. Amongst the rest, there were two proposals made for supplying the nation with money by a paper-credit. The first was offered by Dr. Hugh Chamberlaine, whose project by a land-bank had, some years before, miscarried in England, and reduced him so low, that he was obliged to fly from his creditors into Scotland. The other was proposed by John Law, the son of a goldsmith in Edinburgh, a man of subtle parts, who, having squandered away his small fortune, was forced to live by gaming, but who, being an agreeable debauchee, found the way to ingratiate himself with the duke of Argyle, and the leaders of the flying squadron. Upon the confidence of their support, he presented a very plausible scheme, which was readily espoused by all the courtiers, and many of the flying squadron, because it was so framed, that, in process of time, it would have brought all the estates of the kingdom to depend upon the government. But the house rejected the proposal, and came to a resolution, “That the

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“establishing

* July 10, 12, 13.

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“ establishing any kind of paper-credit, so as to make bills pass for current coin, was an improper expedient.” A council was likewise appointed, with power to put the laws relating thereto into execution; and it was recommended to them to bring the export and import of the nation to a balance, and lay the same before the house next session.

Before this act was brought to perfection, the cavaliers made all possible efforts to prevent the settling of the succession, for which purpose the duke of Hamilton, on the 17th of July, presented the following resolve, “ That this parliament will not proceed to the nomination of a successor, till they have had a previous treaty with England in relation to commerce, and other concerns with that nation.” And further, “ That this parliament will proceed to make such limitations and conditions of government for the rectification of the constitution, as may secure the liberty, religion, and independency of this kingdom, before they proceed to the nomination of a successor.” The court, and most of the flying squadron, united against this resolve; but the cavaliers insisted vigorously upon it, and, by the assistance of some of the duke of Queensberry’s friends, carried it by a great majority. Upon this occasion the lord Belhaven made a long speech, (a) which had such an effect, that,

(a) The speech was as follows:

My lord chancellor,

By what experience I have had in this world, I always found, that when divisions are once come to that consistency, as to form themselves in factions upon different measures and opposite designs, that then reason and reasoning make but a very small impression upon either of the parties. Therefore I shall not enter into the merits of this resolve, nor of its expediency or unexpediency at this time, that I may not give the least rise to debate, or occasion of misunderstanding amongst ourselves. What I shall say on this head, is to advance this position, viz.

‘ That there is more danger to our nation, and national concerns by divisions and factions, than by any mistakes in fit and adequate measures, if they be unanimously gone upon.

‘ A wrong measure, especially in resolutions, may be rectified and redressed, when we come to a fuller view of the affair. And, tho’ sometimes they prove unsuccessful, yet unanimity endures a shock with firmness; but divisions and factions increase and multiply, and that from very small beginnings, so as to render all persuasions abortive; and that more especially amongst men of honour, who, as they are generally more grateful, constant, and firm

er some debate, the duke of Hamilton's resolve was

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On the 20th of July, the parliament met again, the draught of a letter presented by the marquis of e, in answer to her majesty's letter to the parliament;

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their words and par-
upon disappointments
e more prone to re-
t and revenge, the
ngerous of all passions,
most fatal to the very
f nations.

I plead for, my lord,
ime, is unity. Would
e limitations? Go up-
unanimously. Would
e a treaty? Do the
Would you settle the
n upon limitations
a treaty? Would you
e succession on treaty
limitations? Would
e neither done at this
n short, whatever you
ave done, let it be
mine contradicente,
will not want its own
for I am persuaded,
never resolution this
ble house shall come
ong measure is pre-
to a good one, if
unanimity in the one,
on at the bottom of

ards, I could bring in
from the histories of
to confirm what I
d, and from none
n that of our neigh-
ie States of Holland,
nity has raised them
grandeur and riches
possessed of at this
ey wanted not wrong
and unsuccessful at-
but their unanimous
in the vindication of
rty hath made good

the verity of their motto,
Concordiâ res parvæ crescunt.

But, waving what is fo-
reign, I shall confine myself
to our own histories, and by
four examples I shall make it
evidently appear, that our
predecessors, when in good
understanding amongst them-
selves, were always in a con-
dition to defend their rights
and liberties against the Eng-
lish, and that they never did
prevail over us, save when
we were divided and broke
by factions.

The first instance is of that
famous controversy about the
right of succession of Alex-
ander the third. The story
is so well known, that I shall
not give this honourable house
the trouble of hearing it re-
peated, but shall only say,
we divided upon it. What
followed upon that? The
king of England gave us a
king. What was the conse-
quence of that? Both of us
paid very dear for it. For,
as the historians of both na-
tions tell us, there followed
upon it the longest and most
bloody war that ever was
betwixt two nations. Then,
and not before, could it be
said, That England had any
pretence of homage from us.

Pray, my lord had it not
been better that our prede-
cessors had of themselves cho-
sen the worst of competitors,
yea the worst men of the na-
tion by a general consent,
rather

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ment; as also a draught of an act for a treaty with England, presented by the earl of Mar; another draught of an act for a treaty with England, presented by the marquis of Lothian; a draught of an act concerning the way of chusing officers of

‘ rather than to have sustained
‘ those calamities which fol-
‘ lowed on that division?

‘ The other time, my lord,
‘ that we groaned under Eng-
‘ lish bondage, was by Crom-
‘ well, who knew as well how
‘ to divide, as how to fight.
‘ We had called home king
‘ Charles the second, as suc-
‘ cessor to his father. Crom-
‘ well enters Scotland with an
‘ army, and prevails. What
‘ was the reason of it? Was
‘ his army comparable to ours
‘ in number? He knew very
‘ well king Charles the first,
‘ his master, had come upon
‘ us with a far better army,
‘ and we less prepared, and
‘ less accustomed to war; and
‘ yet, though sword in hand,
‘ he was necessitated to give us
‘ a valuable treaty at the Birks.
‘ He knew very well, that we
‘ had the remains of that gal-
‘ lant army, which had procu-
‘ red us so good conditions at
‘ the treaty of Rippon, and
‘ who afterwards had raised the
‘ parliamentary power above
‘ that of their sovereign. He
‘ knew, that we had the brave
‘ troops that had preserved the
‘ north of Ireland from the
‘ Irish rebels. Whence then
‘ came all those hopes of Oli-
‘ ver? It came, my lords, from
‘ our divisions: we were united
‘ in those former times, and
‘ broken then. I short, we
‘ had the Hamiltons, Grahams,
‘ and Campbells, each driving
‘ on opposite designs. Nay,

‘ my lord, faction was come
‘ to that height of enthusiasm,
‘ that when we came to fight
‘ Cromwell at Dunbar, we
‘ would not fight but as Gideon
‘ did the Midianites, although
‘ we had no such warrant for
‘ it. I pray God, my lord,
‘ things come not to such an
‘ height now, especially when
‘ we, as they, mind more, who
‘ shall do such and such things,
‘ than what things are fittest to
‘ be done; so that every com-
‘ missioner now must have the
‘ board swept clean, before he
‘ undertakes the queen’s busi-
‘ ness. I speak not this, my
‘ lord, out of any resentment
‘ I have, by being lately turned
‘ out of a post, I profess I have
‘ not the least resentment upon
‘ it. Why should not the
‘ queen employ what servants
‘ she thinks fit? But I speak of
‘ it, because I am afraid it
‘ proves a seed to faction, it
‘ having proved so prolific al-
‘ ready, as to the two crops
‘ in one year, though in this
‘ northern climate.

‘ The two instances, where
‘ our unity preserved us from
‘ the fatal consequences of war
‘ with England, are those of
‘ king David and king James
‘ the first, after we had reco-
‘ vered under the conduct of
‘ the noble Bruce, who had
‘ forced the grand-child, by a
‘ most solemn renunciation, to
‘ yield up the claim of homage,
‘ unjustly imposed by the father
‘ upon us. Two unhappy ac-
‘ cidents

of state, privy-counsellors, and members of the Exchequer and Treasury, in case of her majesty's decease, without heirs of her body to succeed, presented by the earl of Rothes; and some other draughts of acts relating to trade: all which were ordered to be printed.

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On

cidents put these two kings in the hands of the English. Did they let go the opportunities to trump up their claim of homage? No, my lord. What hindered them to proceed further? king David had lost a considerable battle, was there made prisoner himself, many of the nobility killed and taken, England successful against France at the same time, and their king prisoner in England. King James the first was their prisoner, being forced to fly from the unjust designs of his uncle Robert, and as unjustly made prisoner by them. These occasions, my lord, did appear favourable enough for England to make use of; but our firm unanimity put a stop to their designs. We declared we would not obey our kings as long as they were under English power and influence; and so both our armies in France, and peers in Scotland, refused their oaths, as long as they were in England, looking upon them not as their king's commands, but the commands of an enemy. And thus we were preserved, and our kings delivered to us upon ransom.

My lord, I have observed, that England never let go any opportunity, neither before nor since the union of the two crowns, to bring us under their power; and I am

persuaded, that the heats and animosities amongst us these several sessions of parliament have, amongst other things, occasioned that threatening and unaccountable act of parliament, wherein they characterise our ministers, and criticise our acts; as it hath also given birth to those contemptible and ignorant pamphlets, published of late against the sovereignty and independency of our nation. Will you prevent the consequences of what is designed against us? Be as united as they in your actions against them. Did whig and tory differ about us? No, my lord: the two houses, though in civil war among themselves, did vie with one another, which of them should have the honour to give us the sharpest and severest blow.

To conclude, would you quench the fire that appears to be raised against us in England? Would you have a successful treaty and good limitations? Be unanimous; and, I hope, the case is not as yet so desperate, but what our predecessors have found, we may yet find the like.

It may be asked, my lord, how shall we be unanimous, and who shall yield? I think providence has made that very easy with relation to this resolve. For suppose some be for limitations, that are not for

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On the 23d of July the duke of Queensberry arrived at Edinburgh, where he made a public entry with greater splendor and magnificence, and was received with greater demonstrations of joy, than the three times he had been commissioner. The next day he went to parliament, where the draught of a letter, in answer to the queen's, was read, intimating "the parliament's readiness to establish the same successor with England; begging her majesty would grant them such limitations to her successors, as were necessary for that purpose; and assuring her, that, if this was once done, they would cheerfully set about the work." But a motion being made, that, preferably to that letter, the house should take into consideration acts relating to trade, the same was agreed to.

This

for a treaty; and others for a treaty, that are not for limitations; and that those who are against a treaty, are against it because they do not expect reasonable and good conditions from England; and that those who are against limitations, are against them because they would prove of no long continuance, and consequently look upon them only as an amusement to bring us to the English succession. There is no reason, my lord, in all this, why both parties should not agree in the resolve: for, suppose all those suppositions should prove true, shall we then be in any worse condition than we are at present? Shall it be said, we will not so much as resolve to treat with England; or that limitations, which are in our power both to make and to keep, shall be looked upon by us as things impracticable, and of no duration? No, my lord, we have a gracious queen that will assist us in both, and who, in her gra-

cious letter, seems to desire both.

I do consider England, with relation to the succession of Britain, as so many fishes inclosed in a large strong net. They have room to swim, to toss, and tumble; but, as long as the fisherman keeps his hold, they cannot break through. I believe by this time they are sensible, that the succession to the two kingdoms in Britain ought not to have been designed, much less settled, without acquainting one part of Britain with the design, and that one part independent upon the other. Therefore if we be united, and keep our hold, and make no unreasonable demand, either of limitations from our queen, or conditions from England, but merely such as the necessity of the nation requires; I hope, by the blessing of God upon our just endeavours, and the cordial support of our excellent sovereign, that we shall have all our desires granted, and a good

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This being over, the cavaliers inclined to proceed upon the limitations, proposing thereby, in the first place, to obstruct the establishment of the succession, in case the projected treaty should fail; for they knew the court would not grant them the royal assent, and that the succession would then miscarry. In the next place, to lay all the restraints possible on the monarch, in case the house of Hanover should come to the crown. And lastly, to ingratiate themselves with the people, who thought themselves oppressed by England, and were extremely fond of every thing, that seemed to free them from it. A motion being made on the 31st of July, to grant the first reading to an act of commission for a treaty with England, the duke of Hamilton, in opposition thereto, moved, that the house would proceed to the enacting the limitations; and, a vote being stated in these terms, Proceed to consider the act for a treaty, or limitations, the latter was carried. In the next seditum, on the 2d of August, several acts for that purpose were presented; the most considerable of which was, an act for regulating the chusing the officers of state, enacting, "That from and after her majesty's decease, without heirs of her body, all officers of state, and privy-counsellors, and lords of session, should be chosen and appointed by the parliament; and in case of the decease of any of them, during the vacancy of parliament, the office to be supplied by one nominated by the council, who should continue in the same till next session of parliament: and that all the officers of state and privy-counsellors should be accountable

' good understanding betwixt
' the two nations promoted,
' not for this time only, but
' for ever; which, if they do
' slight at this time, I dare
' pretend to prophesy, that the
' time will come, when they
' will give with less ceremony.
' Thus, my lord, I have
' frankly told you my mind,
' and that with all deference
' and submission to this honour-
' able house; and though I do
' not pretend to the thanks of
' this parliament, as the lord
' Haversham had of the house
' of lords, yet I will not yield
' to his lordship, as to my in-
' tegrity and sincere concern
' for the commonwealth of
' Britain. And in one thing,
' I think, I have the advan-
' tage, that what I have said
' tends to the composing of
' differences, first, among our-
' selves, and then betwixt our
' neighbouring nation and us.
' Whereas his lordship's speech,
' if I be not as much mistaken
' as his lordship was at the
' time he spoke it, tends di-
' rectly the quite contrary way.
' Therefore I am for the re-
' solve, and for the beginning
' with the limitations.'

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“countable to the parliament.” The court offered, on the 16th of August, a clause, giving the power of chusing officers of state (which by this act was solely lodged in parliament) to the king, with consent of parliament, which was carried in the negative; as was also a motion, that there should be three presidents of the session, to preside by turns each two months. On the 22d, the whole act was approved, and the next day an act for a triennial parliament was read in these terms: “Our sovereign lady, being willing to restore to her ancient kingdom their ancient custom and right to frequency of parliaments, does therefore, with the advice and consent of parliament, statute and ordain, That there shall be a new parliament called and indicted, to meet, sit, and act; and that once every third year after the first of August in the year. And her majesty does hereby declare, with consent aforesaid, that this present parliament shall not continue and endure any longer than the first of August aforesaid; and this, without prejudice of her majesty and successors royal prerogative and power to dissolve parliaments sooner than the said term of three years, as shall be thought fit. And further, with the advice aforesaid, statutes and ordains, that, from and after the first day of August aforesaid, no farmer or collector of her majesty’s customs or excise, or any other branch of her majesty’s revenue, shall be capable to be a member of parliament, nor to sit and vote therein after the date aforesaid; and it shall be a sufficient objection against any member, that he is concerned, directly or indirectly, as a farmer or collector, in any part of her majesty’s revenue, to remove him from his place and vote in parliament.” The courtiers saw it was to no purpose to oppose this act; and, being afraid of a new parliament, they only proposed, that this act should not take place during her majesty’s life. The cavaliers, on the other hand, insisted, that it should commence immediately; but many members, who doubted their own interest to be elected anew, proposed a medium betwixt the two, that it should take place three years after the date, that is, the first of August 1708; with which, as the least of the two evils, the courtiers joined and carried it, and so the whole act was approved. Another act ordaining, that the Scots ambassadors, representing Scotland, should be present, when the sovereign had occasion to treat with foreign princes and states, and accountable to the parliament of Scotland, was also approved: but several other overtures were made, that

that never were ingrossed into acts. Nor did the above-mentioned act obtain the royal assent, though the court promised it often to many of the members, and thereby kept them in good humour, while the act for a treaty was framing, they thinking themselves in a tolerable good state by those acts of limitation, and never imagining, that the treaty would terminate as it did. But Fletcher of Salton, having, in a long discourse, set forth the deplorable state to which the Scots nation was reduced by being subjected to English counsels and measures, while the same person was king of both kingdoms, concluded, that those acts were not sufficient, and therefore presented a scheme of limitations, which he proposed to be ingrossed into an act, and taken into consideration; " I. That elections should be made at every Michaelmas head-court for a new parliament every year, to sit the 1st of November next following, and adjourn themselves from time to time till next Michaelmas. That they chuse their own president, and that every thing be determined by balloting in place of voting. II. That so many lesser barons should be added to the parliament, as there had been noblemen created since the last augmentation of the number of barons: and that in all time coming, for every nobleman that should be created, there should be a baron added to the parliament. III. That no man should have a vote in parliament, but a nobleman, or elected member. IV. That the king should give the royal assent to all the laws offered by the estates; and that the president of the parliament be empowered by his majesty to give the royal assent in his absence, and have ten pounds sterling a day salary. V. That a committee of thirty-one members, of which nine be a quorum, chosen, out of their number by every parliament under the king, should have the administration of the government, be his council, and accountable to the parliament, with power, on extraordinary occasions, to call the parliament together: and that, in the said council, all things be determined by balloting instead of voting. VI. That the king, without consent of the parliament, should not have the power of making peace and war, or of concluding any treaty with any other state or potentate. VII. That all places and offices, both civil and military, and all pensions formerly conferred by the crown, should ever after be given by parliament. VIII. That no regiment or company of horse, foot, or dragoons, be kept on foot in peace or war, but by consent of parliament.

" IX.

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“ IX. That all the fencible men in the nation, betwixt
 “ sixty and sixteen, be armed with bayonets and firelocks,
 “ all of a caliver ; and continue always provided in such
 “ arms and ammunition suitable. X. That no general in-
 “ demnity, or pardon for any transgression, should be valid,
 “ without consent of parliament. XI. That the fifteen
 “ senators of the college of justice should be incapable of
 “ being members of parliament, or of any other office or
 “ pension, but the salary, that belongs to their place, to
 “ be increased as the parliament should think fit. That the
 “ office of president should be in three of their number, to
 “ be named by the parliament, and that there be no extra-
 “ ordinary lords : as also, that the lords of the justice-court
 “ should be distinct from those of the session, and under the
 “ same restrictions. XII. That, if any king should break
 “ in upon any of these conditions of government, he should
 “ by the estates, be declared to have forfeited the crown.”
 Fletcher enlarged upon every article, endeavouring to shew,
 that the first eight were necessary to prevent English influ-
 ence over Scots affairs ; the ninth, to inable the nation to
 defend its rights and liberties ; and the tenth, to deter mini-
 sters of state from presuming to give the king bad advice,
 and doing things contrary to law (a). The eleventh article
 he said was necessary to preserve the judicatories from cor-
 rupt judges : “ And if the twelfth, concluded he, be not
 “ approved, sure, I am, this house must own, the last king
 “ James was barbarously and unjustly treated.” However,
 this scheme of limitations was never framed into an act.

Another material point under the consideration of this
 parliament, was the plot. They had, in their former ses-
 sion, addressed the queen to transmit to them such persons,
 as were evidences in and such papers as related to, that
 affair ; and, in the beginning of this session, the dukes of
 Hamilton and Athol were very desirous to prosecute it to
 the utmost. But the cavaliers were not so forward ; first,
 because they were under a kind of engagement to the earl
 of Mar and Sir James Murray of Philiphaugh, that, if the
 duke of Queensberry's friends opposed the marquis of Twee-
 dale and his party, as in the former session, they should not
 insist

(a) The earl of Stair having
 spoken against this scheme,
 Fletcher, in answer, said, ‘ It
 ‘ was no wonder his lordship
 ‘ was against it ; for, had there
 ‘ been such an act, his lordship
 ‘ had been long before hanged
 ‘ for the advices he gave king
 ‘ James, the murder of Glenco,
 ‘ and his conduct since the re-
 ‘ volution.’ Lockhart.

insist on that affair; which would irritate the duke's friends to such a degree, that many of them would not concur in opposing the act for a treaty. In the next place, the cavaliers considered; that the edge of many people's indignation against the plot was blunted, by its lying so long dormant. And being, at the same time, apprehensive of being baffled, if they attempted any thing against the duke of Queensberry, they resolved to stand neuter, at least till they saw whether the dukes of Hamilton and Athol could prove any thing. It being moved, on the 28th of August, that the house might be acquainted what answer the queen had returned to the address, the lord-commissioner declared, That he had received a letter from her majesty relating to that matter, and would signify her pleasure therein to the parliament in a few days. Accordingly, on the 11th of September, the lord-chancellor acquainted the house, that the rest of the papers relating to the late plot were now transmitted; and that they should be given to the clerk-register, to be perused by the members of the house. But, when the house took these papers into consideration, it was urged, that they were only copies, and that the principal evidences, such as Sir John Maclean, Mr. Keith, and others remained in London; and that the parliament could not proceed any further in that affair, unless the original papers, and the persons who were evidences, were at their command. However, the dukes of Hamilton and Athol, and Bailie of Jerviswood, made speeches in their own vindication, asserting, that the accusation against them in the discovery of the pretended plot was false and calumnious. The duke of Athol, in particular, made a long narrative of the beginning, progress and conclusion of the whole affair; accused the duke of Queensberry of endeavouring to give the queen sinister impressions of her good subjects; produced copies of letters sent from him to her majesty, asserting, that all the cavaliers had an hand in the plot, or, at least, were enemies to her; and that, the better to carry on his design, he had employed and held correspondence with Frazer or Lord Lovat. But, notwithstanding all this great clamour, no further notice was taken of this affair.

The business, which the court had principally at heart, was the act for a treaty with England. The earl of Mar had, in the beginning of this session, presented an act for appointing commissioners to treat with commissioners from England of an union; which lay upon the table, till most of the overtures in relation to trade and the limita-

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limitations were discussed; but these being over, the other was reassumed. This act was much of the same nature and import with the act passed in England, both empowering commissioners to meet and treat of an union of the two kingdoms of England and Scotland, and restraining them from treating of any alterations of the church government, as by law established, in the respective realms. The only material difference was, that the English act not only gave the queen the nomination of the commissioners on the part of England, but required also that the queen should name and appoint the Scotch commissioners; whereas, in the draught presented by the earl of Mar, there was a blank for the power of the nomination. This gave occasion to Fletcher of Salton, in a pathetic speech, on the 28th of August, to inveigh against the haughty and imperious proceedings of the English in this affair; exhorting the house to resent this treatment, as became Scotsmen, for which purpose he offered an address to be presented to her majesty, importing, "That the act passed in the parliament of England, containing a proposal for a treaty of union of the two kingdoms, was made in such injurious terms to the honour and interest of the Scots nation, that they, who represented that kingdom in parliament, could no ways comply with it; which they had the greater regret to refuse, because a treaty of union had, in this session, been recommended to them by her majesty. But that they should be always ready to comply with any such proposal from the parliament of England, whenever it should be made in terms no ways dishonourable or disadvantageous to the Scots nation." The house, rejecting this motion, called for the earl of Mar's draught, and for the English act, both which were read. The cavaliers and country party observing, that there was a great inclination in the house to set a treaty on foot, thought it improper to oppose it any longer in general terms; and therefore resolved to endeavour to clog the commission with such restrictions and provisions, as should retard the treaty's taking effect. In order thereto, the duke of Hamilton presented a clause to be added to the act, importing, "That the union to be treated on should no ways derogate from any fundamental laws, ancient privileges, offices, rights, liberties and dignities of the Scots nation." This the courtiers vigorously opposed, as inconsistent with the intended intire or incorporating union, of which the abolishing the Scots parliament was a

necessary consequence. And thereupon they urged, " That, 1705.
 " since Scotland and England were under one sovereign,
 " who mediated between her two kingdoms, and England
 " had already given ample powers to their commissioners,
 " it would be unbecoming in Scotland to restrain their
 " commissioners. That it would shew a jealousy of her
 " majesty, and might put a stop to the treaty, since England
 " could not but expect, that the Scots commissioners
 " should have as ample powers as theirs. That there
 " could be no danger in giving unlimited powers to their
 " commissioners, since it was expressly provided, that no
 " matter or thing treated of, and agreed to, should be of any
 " force, unless it were first approved of and ratified by the
 " parliaments of both kingdoms. And therefore when their
 " commissioners should make their report of the scheme of
 " union, that should be agreed on, then it would be pro-
 " per for the house to consider, whether they would ratify
 " or reject the same." To this it was answered, " That
 " Scotland and England's being under one sovereign made
 " this clause necessary, since woful experience taught them,
 " and it had been often complained of in the house, that
 " their sovereign was under English influence, and sub-
 " ject to the counsels of her English ministers, who regard-
 " ed the interest and honour of Scotland no further, than
 " was consistent with that of England. That the adding of
 " this clause could never imply the least mistrust of the
 " queen's inclinations towards her ancient kingdom, since all
 " that could be made of it was, that the Scots parliament
 " being sensible that the queen was not in a capacity to
 " know the interest and circumstances of Scotland so well
 " as those of England, had taken care to prevent any in-
 " conveniencies, that might arise from thence. That
 " there were some things so sacred, that the least inno-
 " vation or alteration, much less the abrogating or suspend-
 " ing them, was never to be attempted, or the subject of
 " any treaty. And the particulars of this clause, such as
 " the sovereignty, independency, and freedom of the na-
 " tion, being of this nature, ought therefore to be added.
 " That England could not take it amiss, since they them-
 " selves had restrained their own commissioners from treat-
 " ing of any alteration in the church-government of that
 " kingdom. That the Scots were a free independent peo-
 " ple, and had a power to give what instructions, powers,
 " and restrictions they pleased to their commissioners.
 " Neither was it to be imagined, that England would re-
 " fuse

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“ fufe to treat upon account of this clause, becaufe the
 “ very clause, in the fame exprefs words, was inserted in
 “ the act of the treaty in the reign of king James VI.
 “ and to the fame purpose in most of the fubfequent acts of
 “ treaty; and yet neither that king (who would have had
 “ good reason to be offended at any difrefpect or diftrust
 “ fhewn, towards him) nor his fucceffors, nor the parlia-
 “ ment of England, made any fcruple upon that account,
 “ to meet and treat with the commissioners of Scotland.”
 Thefe and many other arguments were urged for and
 againft the clause; but the question being put, Whether it
 fhould be added, or not? It was carried in the negative
 by two voices only, through the neglect of feven or eight
 of the cavaliers and country-party, who happened to be
 abfent.

This being over, another clause was offered, importing,
 “ That the commissioners fhould not go out of Scotland,
 “ to enter into any treaty with thofe to be appointed for
 “ England, until there was an act paffed by the parlia-
 “ ment of England, refcinding that clause in the Englifh
 “ act, by which it was enacted, that the fubjects of Scot-
 “ land fhould be adjudged and taken as aliens, after the
 “ 25th of December 1705.” The cavaliers infifted upon
 this clause as neceffary to vindicate the honour of the na-
 tion from the injuftice of the Englifh in that act, upon a
 belief, that, if it were added, the Englifh would not com-
 ply with it, and fo the treaty would come to nothing. Upon
 the fame confideration the courtiers oppofed it; but, ob-
 ferving it took with the houfe, they did not presume to do
 it openly, but by this artful motion, “ That the clause
 “ fhould be approved, though not, as was propofed, in-
 “ groffed with the body of the act for a treaty; but, a
 “ refolve of the houfe paffed, that, after the act was
 “ finifhed the houfe would immediately proceed to confider,
 “ whether, the clause fhould be of force by a particular act,
 “ or by an order of the houfe;” and the question being
 ftated, “ Add the clause to the act, or by a feparate way,”
 the latter was carried. By this the courtiers were fure
 of having a treaty; for if the clause was turned into an
 act at the clofe of the feffion (when they had no more to
 require of the parliament) they might grant the royal affent
 to the act of treaty, or refufe it to this, as they fhould
 be directed from England: And in cafe the clause was turned
 into an order of the houfe, then they might difsolve the
 parliament, by which means the act, empowering the com-
 miffioners

missioners to treat, remained in force, and the order ceased. Before the vote was stated, upon the act for a treaty, the duke of Athol, on the 1st of September, entered his protest in these terms: "In regard, that by an English act of parliament made in the last session thereof, intituled, "An act for the effectual securing England from the dangers that may arise from the several acts lately passed in Scotland, the subjects of this kingdom are to be adjudged aliens, born out of the allegiance of the queen, as queen of England, after the 25th of December, 1705; "I do therefore protest for myself, and in the name and behalf of all such as shall adhere to this my protestation, that, for securing the honour and interest of her majesty, as queen of this kingdom, and maintaining and preserving the undoubted rights and privileges of her subjects, no act for a treaty with England ought to pass in this house, unless a clause be adjoined thereto, prohibiting and discharging the commissioners that may be nominated and appointed for carrying on the said treaty, to depart the kingdom, in order thereto, until the said act be repealed and rescinded by the parliament of England." To this protest most of the cavaliers and country party, and all the Squadron adhered, making in all twenty four peers, thirty-seven barons, and eighteen boroughs. While the rolls were calling, upon this resolve (it being very late) many of the members, after they had given their votes, went out of the house, expecting, that the parliament would not have proceeded to any more business that night; but immediately after the last name in the roll was called, duke Hamilton, addressing himself to the chancellor, moved that the nomination of the commissioners for the treaty should be left wholly to the queen. Upon this unexpected motion fourteen or fifteen of the cavaliers ran out of the house in rage and despair, saying aloud, "That it was to no purpose to stay any longer, since the duke of Hamilton had deserted and so basely betrayed them." However those, who remained, strenuously opposed the motion; and a hot debate arose upon it, wherein the cavaliers used the very arguments, which duke Hamilton had often urged: "What! leave the nomination to the queen? No; she is in a manner a prisoner in England; and the estates of Scotland had taught us our duty in a case nearly related to this during the captivity of king James the first. Our queen knows none of us, but as introduced by her English ministry, and recommended by our inclinations

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“ to serve that kingdom. Our queen never had an opportunity to know the true interest of our country; and, though she did, yet in her present circumstances, cannot shew her regard for it : And who then so proper to nominate Scots commissioners to treat of Scots affairs as a Scots parliament ?” Little or nothing was offered in answer either to these arguments, or against the motion, “ That no person who had any estate in England, should be of the number of the commissioners :” Which was levelled at the duke of Hamilton. But the courtiers still insisting, that the sense of the house might be known in this matter, the question was put, “ Whether the nomination of the commissioners be left in the queen, or to the parliament ?” And by reason of the absence of the members before-mentioned, it was carried for the queen by a majority of eight voices only. Duke Hamilton’s proceeding in this affair was highly resented by the cavaliers; but he endeavoured to vindicate himself by alledging, That after the parliament had rejected the several clauses, that were proposed to be added to the act, he thought it in vain to contend any longer; and since the court would have had a majority, to give the nomination to the queen, he might be allowed to make her the compliment. Besides, it was the duke’s opinion that, if the commissioners named by the queen should do any thing, that should not be approved in the subsequent parliament, they might be more severely censured for it, than if the parliament had named them. But it is thought, that the duke had a mind to be one of the commissioners himself; and fearing, that he should not be named by the parliament, he resolved to rely on the duke of Argyle’s and the earl of Mar’s promise of his being named by the queen; who having refused to do so, the duke of Argyle resented it so far, that he would not suffer himself to be named, and even threatened to oppose the union, though means were afterwards found to induce him to alter his mind.

In the next sitting of the parliament, on the 4th of September, two draughts of an address were presented, one by the earl of Sutherland, the other by Fletcher of Salton, beseeching her majesty to use her endeavours with the parliament of England to rescind that part of the English act, declaring the subjects of Scotland to be aliens; both which draughts were read, as was also the overture of an act, ordaining, that the commissioners on the part of Scotland should not enter upon the treaty for an union with

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with England, until that clause were repealed. Hereupon the courtiers moved, that the parliament should proceed by way of order to their commissioners, and by address to her majesty, and not by way of act; and, after some debate, the question being put, was carried for the order and address, which were immediately drawn up, and unanimously agreed to. Then an overture of an act was presented, discharging the peers of Scotland from going into England, without leave of the privy-council; but on the 6th of September, after a first reading of this overture, it was rejected. After this, the house considered the act for a treaty with England, and made some amendments to the clause containing the powers to be given to the commissioners. The cavaliers took this occasion to renew the motion, "That an union should not derogate from any fundamental laws, ancient privileges, offices, rights and dignities, and liberties of the kingdom of Scotland;" but, after some debate, the question being put, whether that clause should be added, it was carried in the negative, and then the act was approved, and received the royal assent. However, the duke of Athol protested against it, for the reasons contained in his former protest, and was adhered to by twenty noblemen, thirty-three barons, and eighteen boroughs. Two days after, the act for granting the queen a supply of six months cess, amounting to four hundred and thirty-two thousand, eight hundred pounds (Scots money) for maintaining the army, garrisons, and frigates for one year, was approved. On the 18th of September, the house went upon the public accounts, and allowed to the commissioners of the same two hundred pounds sterling each; fifty pounds to the clerk, and twenty pounds to other servants; fifteen hundred pounds to the lord Belhaven; three hundred pounds to the duke of Queensberry, and three thousand pounds to the duke of Argyle, as being due to him; which sums were paid out of the fifty thousand pounds sterling granted to the queen. After which the parliament was adjourned to the 20th of December following (a).

Not long after the adjournment, the earl of Mar, who during the whole session, had done considerable service to

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(a) On the 16th of August, it was moved and resolved, that Mr. James Anderson, writer to her majesty's signet, having written a book intitled, An historical essay, shewing that the crown and kingdom of Scotland, are imperial and independent, have a reward of four thousand eight hundred pounds Scots money for that good service; and that the thanks of the parliament

1705. the court was made secretary of state in the room of the marquiss of Annandale, who was appointed lord president of the council in Scotland, and who was removed from the post of secretary because he was thought to hold a private correspondence with the Squadrone, being rather inclined to favour the protestant succession without, than with an union; and therefore would not follow the duke of Queensberry's dictates further than he pleased; upon which account he was much caressed by the cavaliers.

Having thus given a full relation of the parliamentary affairs of this year, it is now time to turn to the progress of the war.

The duke of Marlborough marches to Triers. Burnet. Broderick. Conduct of the Duke of Marlborough.

The duke of Marlborough, having delivered the empire by the victory at Blenheim, had long considered how to improve that success; and, having communicated his several projects to the cabinet council, none seemed so judiciously laid, as the making an impression upon the frontiers of France. The design therefore was, that the Moselle should be the scene of action; and care was taken to lay up magazines of all sorts in Triers for that purpose, to carry on this design, two things were absolutely necessary; first, the concurrence of the Dutch, who seemed unwilling to let their troops go so far from their frontiers, lest they should lose, in one campaign, the barrier, which they had been forming in two or three; and, secondly, the quickening the slowness of the Germans, without whose joint assistance the duke of Marlborough could not act there with probability of success. The States, however, consented, that he should carry the greatest part of their army to the Moselle, and resolved to lie on the defensive upon their own frontiers; for they reckoned, that how strong soever the elector of Bavaria's army was at that time, yet when France should be pressed with so great a force, as they computed would

Parliament be given him by the lord chancellor, in presence of the lord high commissioner: which was done accordingly. It was also moved and resolved, that Mr. James Hodges, who in his writings had served the interest of the Scots nation, should have the like reward. But on the other hand, complaint being made of a book intitled, The superiority and direct dominion of

the imperial crown of England over the kingdom of Scotland; and also of the pamphlet, intitled, The Scots patriot unmasked, both written by Mr. William Atwood, as scurrilous, full of falsehoods and reflecting upon the honour and independency of the Scots nation; the same were ordered to be burnt by the hand of the common hangman.

on the Moselle, he would be ordered to send such detachments thither, that his army would be soon diminished, and so would not have the superior strength long.

This being the duke of Marlborough's scheme, he set out on the 26th of March, 1705, from St. James's towards Harwich, where he embarked on the 30th, and landed in Holland on the 2d of April. Upon his arrival at the Hague, he had several conferences with the pensionary and other members of the assembly of the States-General, in which he laid before them the great advantages which would arise to the whole confederacy, from the vigorous prosecution of his design; which would deprive France of the means, either of enlarging her conquests in Piedmont, or of protecting Spain, by reducing her to the necessity of defending herself at home. The duke had likewise another motive, which occurred to put him upon these measures. The marshal de Villars, lately made a duke of France, was the principal dependence of Lewis XIV. The duke therefore judged, that a triumph over and ruin the reputation of the marshal, by a single defeat, would be a service to the common cause preferable to all others. The consequence of such a defeat would have been the submission of the three bishopricks; after which, nothing could have prevented his making himself master of Thionville, and even of Luxemburg itself.

The Dutch were soon made sensible of the reasonableness of the duke's plan; but the difficulty was to bring prince Lewis of Baden to concur in it. That prince had seemed to approve of it so well, during the winter, that no doubt was then made of his being both able and willing to enter upon this new scene of the war. But, as the duke of Marlborough was setting out, depending on his concurrence, he received an express from him, excusing himself, both from his own want of health, and because the force he had about him was not considerable, nor was that, which he expected, like to come to him so soon as might be wished for. This could not stop the duke of Marlborough, who had set his heart upon opening the campaign in those parts, and had great hopes of success. He resolved therefore to push the affair as far as he could, and accordingly went to confer with the prince at Rastadt, where he arrived on the 19th of May. The prince's ill health seemed only a pretence. It was true, that the princes and circles of the empire had not sent in their quotas; but it appeared, that there was already strength enough, in conjunction with the army which the duke of Marlborough was to bring, to advance and open

1705. the campaign with great advantage, at least till detachments should come from other parts. The prince of Baden at last consented to this, and promised to follow with all the forces he could bring.

expecting The duke, being satisfied with these assurances, went from the prince of Baden, who failed him. Rastadt, on the 22d of May, to view the lines of Biehl and Stollhoffen, from whence he proceeded to Mannheim, and then to Triers, where he arrived on the 26th, and having assembled all the troops in the neighbourhood of that place, the English and Dutch forces, which were incamped near Igel, on the other side of the Moselle, passed that river, on the 3d of June, over several bridges, and from thence marched to those prepared for them over the Saar, which river they passed also at Consaarbruck. The Hessians, Danes, and Lunenburghers passed the Saar at the same time, and so all the forces joined. After a difficult march of near eight hours, they at last advanced within a quarter of a league of Sirk, near which place marshal Villars was incamped with a numerous army. It being too late to incamp, the troops lay on their arms all night. The next morning they incamped at Elst, the right being at Perle, near Sirk, on the Moselle, and the left at Hollondorp, within sight of the enemy's army. Upon the appearance of the allies the day before, the enemy immediately prepared for a retreat, which they now put in execution with great precipitation, and marched from Sirk towards Coningmarchen, possessing themselves of a very advantageous camp, which they made yet stronger by casting up intrenchments, and felling trees; so that there was no possibility of attacking them in that post with the least probability of success. This indeed was no disappointment to the duke, for he did not design to attack them; and his advancing so far was only to cover the intended siege of Saar-Louis. The taking of that place was of so great importance, that the success of the whole campaign on that side depended on it; and time being very precious, the duke dispatched frequent expresses to quicken the march, not only of the Imperialists, but of the Wirtemberghers, Prussians, and Palatines, and to exhort the princes, who had promised to furnish artillery, horses, and waggons, to send them with all possible expedition. His requests, though seconded by those of the States-General, were however to little purpose. Some Imperial troops were indeed detached from Lauterberg for the Moselle, but they kept so truly to their own usual pace, and marched so slowly, that, instead of being on the Saar the 9th or 10th of

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of June, N. S. as they should have been, they were not arrived on the 20th, nor were there either horses or artillery provided. Prince Lewis of Baden, who had promised to come in person, came indeed as far as Creutznach, and then, falling sick, took an opportunity to go to the wells of Schwalbach, and the bath at Schlangenbade, leaving these forces under the command of the count de Frieze. Thus his former excuse of want of health and force was repeated, not without shrewd suspicions of treachery; for it appeared plainly, that the French knew what he intended to do, and their management shewed they depended on it, because they ordered no detachments to augment Villars's army. The duke of Wirtemberg made a little more haste with four thousand men in the pay of the States, and the Prussians arrived before the grand army was obliged to decamp.

In the mean time the enemy, on the 28th of May, invested Huy with a detachment under the command of count de Gasse; and, on the 10th of June, the castle surrendered, the garrison being made prisoners of war. After this the elector of Bavaria and marshal de Villeroy, being willing to make the best use of the duke of Marlborough's absence, marched with their army towards Liege, and resolved to form the siege of that place. This disagreeable news had no sooner reached the duke's army, but he received a letter from the States, wherein they represented to him, "the loss of Huy; the siege of Liege, which was begun; the threats of the elector, and marshal de Villeroy, that they would recover the former conquests of the allies; the necessity, which there was to make a powerful diversion to oppose their enterprizes; and, if that could not be done on the Moselle, the States desired him to return with his army towards the Maese." The duke perceiving, that the delay of the German troops would render the siege of Saar-Louis abortive; the difficulty of subsisting a numerous army in a ruined country; and the impracticableness of attacking marshal Villars, who, besides his superiority of troops, was posted in an inaccessible camp, resolved at last to march to the relief of Liege. He decamped on the 17th of June, and moved towards Triers, where it was resolved in a council of war, that the forces, under his command, should march back to the Maese, except seven thousand Palatines in the pay of England and Holland, who were left for the security of Triers, and other posts on that side, under the command of lieutenant general Aubach. In pursuance of this resolution, the duke, after having spent

The French take Huy; and besiege Liege.

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some weeks in this fruitless attempt, marched for the Netherlands by the shortest way, very much mortified at the ill usage he had received; and the Imperial troops, the Prussians, and Wirtembergers, moved towards the Upper Rhine.

The prince of Baden's conduct, throughout this whole affair, was liable to great censure, and he was suspected to have been corrupted by the French; while those, who did not carry their suspicions so far, attributed his acting as he did to his pride; and thought, that he, envying the duke of Marlborough, and apprehending, that the whole glory of the campaign would be ascribed to him, chose rather to defeat the whole design, than to see another carry away the chief honour of any successes that might have happened.

The French take possession of Triers.

Marshal Villars, having now no enemy before him, sent a detachment to reinforce the elector of Bavaria, and another for the army under marshal de Marfin in Alsace, and advanced with the rest towards the Saar. Upon the first notice of which, the Palatine general sent orders to the governor of Saarbruck to quit the castle, and blow up the fortifications, which he accordingly performed. And to compleat the ill conduct of the Germans, on the 25th of June (even before the enemy appeared in sight) he destroyed all the magazines at Triers, blew up the fortifications, burnt the boats designed to make bridges, and in a dishonourable manner quitted that important post, which had cost the allies immense sums of money. The enemy immediately took possession of the place, and Villars marched to join de Marfin, and with him drove the Imperialists from the lines of Croon-Weyssenburg; and general Thungen found it very difficult to maintain himself in the lines of Lauterburg. These unpardonable mismanagements obliged the duke of Marlborough to send Colonel Durel, one of his aids-de-camp, to represent the whole matter to the emperor.

The duke of Marlborough forces the French lines.

In the mean time, the duke, by his diligent march, arrived time enough to save the citadel of Liege; so that the face of affairs was immediately changed in the Netherlands; for the enemy, upon advice of his approach, sent back their artillery to Namur, and retired in great precipitation to Tongeren. On the other hand, the duke, continuing his march, arrived at Maestricht on the 27th of June, and having taken measures with monsieur Auvierquerque and the other generals to march towards the enemy, they decamped for that purpose; but the French thought fit to prevent them, and retired from Tongeren nearer to their lines. On the 2d of July, the duke passed the Maese, and advanced

o Hanef, while the forces under monsieur Auverquerque, marched at the same time to Theys upon the Jaar. The enemy, having notice of this march, decamped in haste, and, as it were, fled into their lines, having sent away most of their heavy baggage the day before.

The French having thus secured themselves within their lines, the confederate generals thought fit to undertake the siege of Huy, before they proceeded further; and, to that end, made a detachment under general Scholten, to invest that place on the 6th of July, while the duke of Marlborough and monsieur Auverquerque made each a small motion to cover the siege. Two days after, the batteries began to play against fort Picard; and, the dispositions being made for attacking it, the allies soon made themselves masters of the covered way, and were resolutely climbing up the fort, which the enemy perceiving, fled into the castle, having quitted the Red Fort two hours before. The next day, July the 11th, a battery was brought to play against the castle, and another was erected in Fort St. Joseph; so that, a considerable breach being made, the enemy beat a parley, and demanded to march out, and be conducted to Namur; which being refused, they surrendered upon the same conditions, as had been granted to the Dutch two months before, the governor and garrison being made prisoners of war. The garrison consisted of five hundred men, commanded by monsieur de St. Pierre, a brigadier-general in the French service; besides whom, there was a governor appointed by the elector of Cologne. They marched out of the place on the 12th, to the number of four hundred and fifty men, besides the sick and wounded, and were conducted to Maestricht.

After the reduction of Huy, the duke of Marlborough was resolved to undertake some more considerable action; and, as nothing appeared more advantageous in its consequence, than the attacking the enemy's lines, he sent general Hompesch to propose it to the States-General, who returned answer, "That, having an intire confidence in his conduct and prudence, they left it intirely to him to do whatever he should think fit, for the good of the common cause." Upon this, the duke held a general council of war, wherein that undertaking was debated; but, nothing being concluded the first time, a second council was called, when some of the Dutch generals opposed it; but monsieur Auverquerque, the prince of Hesse, count de Noyelles, and some

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The enemy were posted along their lines with near a hundred battalions, and a hundred and forty-six squadrons; and the allies having ninety-two battalions, and a hundred and sixty squadrons, the two armies were pretty near equal. It was resolved therefore to make a feint, to divide the enemy's forces; and, accordingly, the army under monsieur Auverquerque made a motion on the other side of the Me-haigne, and the duke of Marlborough made another at the same time, as if he intended to support him in the attack of the lines about Messelen, where they were not so strong as in other parts. This stratagem succeeded to the wishes of the two generals; for these motions, particularly the passing the Me-haigne, gave great jealousy to the French, so that they bestowed their chief attention on that side. Whereupon the duke made the following disposition, in order to march with the whole army, in the night, between the 17th and 18th of July.

Lieutenant-general Scholten having rejoined the army with ten battalions and ten squadrons only, thirteen squadrons more out of the right of the duke's second line were added to them; and five of those squadrons were given to colonel Chanclos, who, being perfectly acquainted with the lines and the nature of the ground, was ordered to march at the head of all. Eleven battalions, and all the horse of the right wing of the duke's army, to the number of twenty-four squadrons, were also detached in order to march at the head of the first line; and those two detachments were to be commanded by count Noyelles, general of the infantry, having under him the lieutenant-generals Lumley, Hompesch, Scholten, and count d'Oost Frise; the major-generals Wood, Ros, Erbach, Welderen, prince of Hesse-Homburg, and Weeck; and the brigadiers Hey, Palmo, Baldwin, Sackin, Gravendorf, Pofern, Meredith, and Hamilton. On the 17th, about four in the afternoon, the duke gave orders for the whole army to get ready to march; that all the baggage should assemble at six near Tourine, behind the camp, under the guard of a colonel, with four thousand foot, and a hundred horse; that, at nine in the evening, count Noyelles should advance with the two bodies abovementioned, filing off by their right, that which assembled before their first line to the left, and that of lieutenant-general Scholten to the right, marching through the route which the guides would shew them, directly towards Wan-
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gen and Elixheim, which two posts they were to attack, if the posture of the enemy would permit. That the duke's army should march likewise at ten o'clock, following the same route, which the two detachments took: That the artillery should move at the same time on the right of the army: That monsieur Auverquerque's artillery should follow the same way: That, an hour before the army marched, all the horse of the left wing of the duke's army should move along the two lines, and repair to the right of the infantry: That at the same time the body of horse commanded by the earl of Albemarle should advance forwards from their camp: That monsieur Auverquerque's army should repass the Mehaigne over the twelve bridges made there for that purpose, and should join, with the right of his foot, the left of the duke's army: That, when monsieur Auverquerque should begin to move, he should detach a party of dragoons towards Gerbise, to give the alarm in the enemy's line on that side; and that the detachment commanded by the lord Albemarle should bring up the rear of all. This disposition being made, and the gun, which is usually fired for the tattooe, being now the signal for taking down the tents, the two armies began their march between ten and eleven in the evening, filing off by their right in two columns, leaving Cortis, Montenaken, Houtain, and St. Gertruydenland, to their right; and the villages Troyne, Cras, Auvergne, Baudwin, Reithoven, Over-Winden, and Neer-Winden, to their left; and marching directly towards their line, where the two first detachments were to attempt to force their passage at Elixheim, the castle of Wangh, and the villages of Wangh, Neer-hespen, and Oostmalen.

The darkness of the night somewhat puzzled the guides, who conducted these detachments, so that it was half an hour past four in the morning, and broad day, before they came near the abovementioned posts, which, according to information, were found to be but thinly guarded. Count Noyelles caused the castle of Wangh, which defended a stone-bridge, that was there on the Geete, to be attacked; but the French immediately abandoned that post, and gave an opportunity to the grenadiers, who were ordered on that service, to march forwards, and attack the barrier of that line, which the guards did not defend much better than the other had done the castle, and so the troops entered the line on that side with little or no opposition, altho' the enemy had twelve squadrons of dragoons incamped behind Oostmalen (within a cannon-shot of the place where the first detach-

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detachment entered) who immediately mounted their horses, but durst not advance to defend their barriers. At the same time three battalions possessed themselves of the bridge and village of Heilshcim, a quarter of a league from Wangh on the left, which was done with as little opposition. Nor did lieutenant-general Scholten meet with greater resistance at the villages of Over-hespen and Neer-hespen, so that, being masters of those bridges and barriers, and having made several other bridges, the horse went over them, and immediately ranged themselves in order on the eminence, extending their right towards the village of Hackendoren, and some battalions drew up along the line, and behind the horse.

While the pioneers were busy in making passages through the line, ten of the enemy's squadrons, and four battalions, were perceived between the villages of Gouchancourt and Estmale; but they gave time to the confederate forces to extend themselves, endeavouring only to advance to the village of Elixheim. Count Noyelles caused all the troops, which he had with him, to go over as fast as possible; and thereupon, the duke of Marlborough arriving with his whole army, his cavalry went over the line with extraordinary expedition, as the rest had done, and so they all made up towards the enemy, who by this time were reinforced to the number of fifty squadrons, and twenty battalions, and advanced with great resolution behind the hollow way, that goes from Elixheim to Tirlémont. This obliged the confederate horse to make a stand a few minutes, till some battalions advancing, lined the hollow way, and firing upon the enemy's horse, obliged them to retire out of the reach of their muskets, and to form themselves before their infantry, which gave an opportunity for the confederate horse to pass the hollow way. In the mean time, the French caused eight pieces of cannon with treble barrels to advance, with which they made a terrible fire on the confederate horse. But the duke of Marlborough being come in person at the head of fresh squadrons, and seeing, that the enemy were continually receiving reinforcements, and that their infantry was going to join them, he resolved to charge them with horse only; which was done with that ardour and courage, that, the cavalry of the two crowns being soon broken and put to flight, they went to rally themselves behind their infantry, whilst his victorious horse possessed themselves of the cannon and ammunition-waggons. The enemy, being joined with some squadrons, and having interlined some battalions with them, moved again towards the confederates; but the latter,

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latter, being likewise reinforced, and sustained by their infantry, made advances to receive them.

The right of the confederate horse, coming too near the hedges of the village Estmale, which were lined with French and Bavarian foot, were somewhat disordered by their fire, and obliged to shrink back. But, having soon after extended themselves more towards the right, to make way for some battalions, that marched against the enemy's foot, they both charged with that bravery and briskness, that the enemy's horse was soon defeated and cut in pieces, and their infantry, left alone in the plain, with great difficulty got away in disorder between the villages of Heilshelm and Gerstowen, where they met with the rest of the army, and formed themselves as well as they could. In the mean time, the duke of Marlborough caused all the rest of the troops to enter the lines, and extended the right of his army towards the Great Geete before Tirlmont, in which town they took the battalion of Monluc, which, upon the first summons, surrendered at discretion.

In this action the marquis d'Alegre and count de Horne, lieutenant-generals, a major-general, two brigadiers, and several other officers of all ranks, besides abundance of private men, were made prisoners. All the troops of the allies behaved themselves with great bravery and resolution; but, amongst the horse, the regiment of brigadier Cadogan distinguished themselves, having had the honour to charge first, which they did with such success, that they defeated four squadrons of Bavarian guards, drove them through two battalions of their own foot, and took four standards, and all this with the loss of only lieutenant Austin and some few men. Nor was the loss of the other troops greater in proportion. The duke of Marlborough, having very much exposed himself in the action, was in great danger of his life; for, as he was leading on several squadrons, a French or Bavarian officer quitted his post, and advanced sword in hand to attack him; but, as he was raising himself upon his stirrups to reach him, he fell off his horse, and was presently killed. The Bavarian horse, which consisted of twenty-four squadrons, offering to oppose the confederates, was almost intirely ruined; as were likewise the two regiments of Alsace and la Marque.

The body of troops, commanded by monsieur d'Alegre, being thus defeated, the elector of Bavaria and marshal de Villeroy consulted for the safety of the rest of the army; and, decamping in the sight of the confederates, passed the Geete

1705. Geete and the Dyle with all imaginable diligence, and possessed themselves of the strong camp at Park, with their left at Roofelaer, and their right against the height of Louvain at Winefelen. From thence the elector wrote to the baron of Malknecht, his favourite, in this manner: "Dear baron, "God forgive those who suffered themselves to be surprised. "The whole army is here, and the evil is not so great as "to be past remedy. The country of Brabant may be "saved, as well as Antwerp, if it pleaseth God. I am "well, but exceedingly fatigued."

On the other hand, the duke of Marlborough's army passed the Great Geete, and incamped with the right at Rosbeck, and the left behind Tirlemont; and that of monsieur Auverquerque extended itself with the right to Grain, and the left to Elixheim. The next day the confederate army moved, and in their march took about one thousand two hundred prisoners, who could not follow the precipitate march of the enemy; and incamped the same evening within cannon-shot of Louvain.

But though by this success the enemy were forced to abandon Dieft, Sichein, Arfchot, and some other small places, yet the suffering them to possess themselves of the strong post of Park, was thought a very great oversight. Some will have it, that the troops were too much fatigued to march to that camp the same day after the action; while others pretend, that some of the Dutch generals were against it. The duke afterwards endeavoured to force some pass upon the Dyle; but, not succeeding, he marched from thence to Meldert, and sent the baron de Hompesch to propose a new project to the States-general, who approved of it by directions to their deputies in the army, to make two or three marches without calling a council of war, to favour the design formed by the duke. To countenance that expedition, baron Spaar, who commanded a small body of Dutch troops in Flanders, marched from Riemen with all his grenadiers, and a sufficient number of fusileers to support them, being followed by the rest of the forces under his command, and in his march defeated a party of French troops. He came in the night to Reboth, on the canal that goes from Bruges to Ghent, where his men made a bridge and passed over it, although the enemy had a guard there, who pretended to make some opposition. After this, he attacked their lines, which were defended by several forts, forced them sword in hand at Lovendegen, and, in less than three-quarters of an hour, took possession of four of those forts, and made several

Spaar's
expedi-
tion.
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several officers, with three hundred private men, prisoners at discretion. He then marched towards Bruges, but having intelligence that the enemy were advancing towards him with a superior force, which they had drawn out of several garrisons in the French and Spanish Flanders, he thought fit to retire, carrying away with him several hostages for the security of the payment of contributions; and having burnt the palisadoes, houses, and Corps de guard, along the French lines, thrown the cannon he found there into the canal, and destroyed all the ammunition.

The duke of Marlborough, having left two battalions at Tirlmont, and as many at Dieft, for the security of these places, marched with his army from Meldert, and incamped at Corbais; the Dutch forces, under the command of Auverquerque, advancing at the same time to St. Martin's. The next day the two armies continued their march to Genap, and there united into one body; and the day following advanced to Fischermont, the right being at Hulpen, and the left at Braine la Leu; general Churchill being detached at the head of the line with twenty battalions and as many squadrons. In that day's march, Auverquerque caused one of the posts of the enemy, called Waterloo, defended by brigadier Pasteur, with two regiments of dragoons, and as many battalions of foot, to be attacked by a detachment commanded by lieutenant-general Dompere, who drove the enemy from that post, and pursued them about a league in the wood of Soignies.

The duke of Marlborough's design of attacking the French opposed by the Dutch.

This sudden march of the confederates kept the enemy in great apprehensions, and gave them an equal fear for some places in Brabant and Flanders. However, upon the duke of Marlborough's advancing from Ghent to Hulpen, the elector of Bavaria and the marshal de Villeroy only stretched out their right to Over-Ysche near the wood of Soignies, and kept still their left at Neer-Ysche, with the little river Ysche before them, by which means they covered both Brussels and Louvain.

On the 18th of August, by break of day, the confederate army filed off with the right-wing in two columns, and passed the long narrow road of Hulpen, where they were not a little surprised to find no enemy to defend that difficult pass. About noon, the whole army was drawn up in sight of the enemy, whom the duke of Marlborough and monsieur Auverquerque having viewed, they were both of opinion to attack them immediately, before they had time to recover the consternation, which was apparent enough in their

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their army. But the artillery not being yet come up, thro' the fault (as it was said) of general Sclanenburg, and that general, who had resented the duke's having undertaken the attack of the lines without his consent or privity, having persuaded some other Dutch commanders to join with him, they made a report to the deputies of the States, that the enterprize was neither adviseable nor practicable; whereupon the deputies absolutely refused to consent to it. The duke "submitted, though with great reluctance, as appears from the expostulatory letter which he wrote to the States-general upon the occasion, wherein he informed them, "That his heart was so full, that he could not forbear to represent "to their High-mightinesses, that he found he had much "less authority here, than when he had the honour of "commanding their troops the last year in Germany."

This letter, being made public at the Hague, occasioned great murmurings among the people; and a great breach was like to arise both in the army and in the towns of Holland, particularly in Amsterdam, where the burghers came in a body to the Stadthouse, complaining of the deputies, and that the duke of Marlborough had not fuller powers. On the other hand, the deputies endeavoured to justify their conduct by a letter which they wrote to the States-general, in which they represented, that the generals Sclanenburg, Zulich, and Dompere, were of opinion, "That the attacking the enemy in their posts would be attended with the "greatest difficulty and hazard to the common cause, alledging, that, considering the enemy could not be attacked but with the greatest disadvantage on the side of the confederates, the latter, in case of a defeat, would "be reduced to the greatest straits imaginable, partly because being so far advanced into the enemy's country, "they should neither have had places nor hospitals to send "their wounded men to; and partly because, in such a case, the enemy might easily have cut off their convoys "of bread: in short, that the affairs of the allies and the republic, justly weighed, were not yet reduced to such a condition, as to attempt so desperate a work."

All indeed agreed, that the enterprize was bold and doubtful; some thought it must have succeeded, though with some loss at first; and that, if it had succeeded, it might have proved a decisive action: others, on the contrary, looked on it as too desperate. Thus the military men were of very different opinions in this point, some justifying the duke of Marlborough as much as others censured him.

He showed great temper on this occasion; and though it gave him a very sensible trouble, yet he set himself to calm all the heat that was raised upon it. 1705.

The duke of Marlborough's projects being thus defeated, the confederate army marched to Lower-Waveren, where, having rested one day, they returned to Corbais; and monsieur Auverquerque's army came at the same time to mount St. Hubert. Four days after, both armies marched and encamped together, with the right near la Ramee, and the left at Perwitz. A few days after, a detachment was made under the command of lieutenant-general Dedem, to besiege Sout-Leuwe (a), a little town in a morass, and the chief defence of the enemies lines. On the 4th of September, the governor desired to capitulate, and sent out a major to Dedem, with proposals upon which he was willing to surrender the place. The general would admit of no other terms than the garrison's being prisoners of war, which was consented to, provided that the officers might march out with their swords, and save their baggage; which being communicated to the duke of Marlborough, monsieur Auverquerque, and the deputies of the States, it was allowed; and, on the 5th, two hundred men of the confederate troops took possession of the town and citadel, without having fired one gun. On the 7th, the garrison marched out, in order to be conducted to Maestricht; together with brigadier-general du Mont, their governor, and monsieur de Mers, the lieutenant du Roy. There were found in the place ten pieces of brass, and eight of iron cannon, and two brass mortars, with a great number of bombs, ten thousand grenadoes, two hundred barrels of powder, six thousand tools of several kinds, two thousand muskets, a hundred barrels of musket-shot, eighteen thousand sacks of meal, besides other provisions and necessaries.

The confederate army having taken this place, the duke of Marlborough ordered the lines of the enemy to be levelled, and Tirlemont to be dismantled; and, having passed the Demer, incamped at Arschot, where he continued some days,

(a) Sout-Leuwe is a little strong town and castle of the Low-Countries, in the dukedom of Brabant. It stands in a morass almost inaccessible, and was taken the present campaign by the confederates, after the glorious action of forcing the French lines. It stands on the river Gheet, by the borders of Liege, sixteen miles almost east of Louvain, twenty-one west of Maestricht, and twenty-four of Namur and Liege.

1705. days, to give directions for the beginning and carrying on the fortifications of Dieft, Haffelt, Tongeren, and some other places. The army marched afterwards towards Herentals and Turnhout, where monsieur Buys, pensionary of Amsterdam, waited on the duke on the part of Holland and West-Friesland, and had a long conference with him. He set out, a few days after, for the Hague, and left the army under the command of monsieur Auverquerque, which continued at Herentals till the 20th of October, when the duke being returned from the Hague (where he had spent some days to confer with the States upon the orders he had received from England to go to Vienna) they broke up, and removed to Oostmaeel, whence they continued their march the next day to Brecht. During the march, fifty squadrons of the enemy came within musket-shot of the rear guard of monsieur Auverquerque's army, and they put grenadiers into the villages of Herentals, Brumel, and Nyle, to support those squadrons; but they did not think fit to attack that general. They fell into Herentals, and plundered the waggons of about thirty sutlers, who staid behind contrary to order; and, when monsieur Auverquerque's troops were employed in breaking down six bridges, over which they had passed the Neere, they fired briskly upon them from their ramparts, and either killed or wounded above twenty men.

Santvliet
surrendered to
the allies.

On the 24th of October, count Noyelles invested Santvliet with fifteen battalions and eight squadrons, detached from the duke of Marlborough's army, and six battalions drawn out of Bergen-op-zoom, and other garrisons. On the 29th, two large breaches being made, monsieur Auverquerque gave orders, that all the grenadiers of the army, supported by three battalions of the garrison of Bergen-op-zoom, should be ready to attack the fort the next morning. But, that evening, the besieged beat a parley, and count Noyelles having sent word to the governor, that he, with his garrison, must expect no other terms, than to be made prisoners of war; after some deliberation, he surrendered upon these conditions.

Dieft
taken
by the
French.

While the allies were engaged in the siege of Santvliet, the elector of Bavaria made a detachment, on the 24th of October, to surprise Dieft, under the command of Don Marcello de Grimaldi; and, at the same time, sent word to count d'Artagnan, governor of Louvain, to join them on the march with his garrison. Whereupon, they unexpectedly appeared before the place, immediately secured all the avenues on each side the Demer, and sent a trumpeter to
summon

summon the governor to surrender; which he refusing, about eleven o'clock the Spanish troops attacked a small fort on an eminence, and carried it with the loss of thirty men killed or wounded. About two all the Spanish, French, and Bavarian troops of the detachment, advanced sword in hand to make a general storm; but the garrison, not thinking fit to stand it, beat a parley, and surrendered prisoners of war; and about five o'clock the troops of the two crowns took possession of the town. The garrison consisted of four battalions, and a regiment of dragoons, and was commanded by brigadier Gaudecker, who, being carried prisoner to Brussels, sent a relation of this misfortune to the States, concluding, "That he was extremely concerned, that, after thirty-four years service, performed without the least disgrace or stain to his reputation, he should be put into a place where a man of honour was not capable of sending himself." In this manner ended the campaign in the Netherlands, which, by prince Lewis of Baden's backwardness, and the caution of the Dutch deputies, was less glorious than was expected, for the duke of Marlborough was never known to set out so full of hopes, as in the beginning of it. But things had not answered his expectation.

With regard to the motions of the confederates on the Proceed- Upper-Rhine, the emperor, having expressed to colonel Gron the Durel his great dissatisfaction at the fatal causes which had broke the duke of Marlborough's measures on the Moselle, Rhine, dispatched immediately general Gronselt and count Wells to prince Lewis of Baden, to expostulate the matter with him, in order to prevent the like mismanagements for the future. The prince, finding his honour sullied on that account, published a manifesto, endeavouring to clear himself, which contained some reflections upon a particular person, and was industriously suppressed. In the mean time, the imperial army continued at Lauterburg, in which advantageous post marshal Villars did not think fit to attack them. However, in the beginning of July, he advanced to Croon-Weissenburg, took part of the garrison prisoners of war, and came in sight of the imperial army. They made some attacks, but found all the posts so well guarded, that after having consumed the forage between Lauter and Landau, demolished the walls of Croon-Weissenburg, and the lines about that place, they retired towards Hagenau. Soon after, The the French not only raised the lines about Triers, but be- French sieged and took Homburg, the Palatines having surrendered take that place upon articles.

Hom-

Marshall burg.

1705.
The
French
lines
forced at
Hagenau.

Marshal Villars, having passed the Rhine at Strasburg on the 6th of August, obliged general Thungen to do the like with the Imperialists; and, on the 12th, prince Lewis of Baden arrived in the camp at Stolhoffen. The prince having taken a review of the army, and held a council of war, resolved to advance in the night directly towards the enemy, who were very advantageously incamped. But marshal Villars had no sooner notice of his approach, but he retired under the cannon of Kehl, and a few days after repassed the Rhine. On the 22d, the prince of Baden repassed that river with his army, leaving the count de la Tour with twelve thousand men to guard the lines of Stolhoffen; and on the 28th advanced in order to attack the lines of Hagenau, although they were strongly guarded. The enemy at first made some resistance; but the count de Merci with the horse attacked them with that vigour, that he soon made himself master of the lines. After this, he perceived the enemy's whole army drawn up in order of battle; but the prince of Baden having notice of it, immediately reinforced him with two regiments of horse, and advanced himself with part of the army to support him, so that the French thought fit to retire. The Imperialists lost no more than one lieutenant and sixteen soldiers in forcing the lines, whereas the enemy had near four hundred killed or taken.

Drusen-
heim
taken by
the confe-
derates,

The Imperial and French armies having been several times within sight of one another, it was expected on both sides, that an engagement would have ensued. But prince Lewis being reinforced by ten battalions and twenty squadrons of the Prussian troops, marshal Villars, on the 13th of September, thought fit to decamp in the night with the utmost privacy, and retire towards Strasburg. The same day nine squadrons and nine battalions, with a detachment of grenadiers, under the command of count de Frize, were ordered to besiege Drusenheim, a fortified place in Alsace (a). The trenches were opened on the 19th, and the attacks were carried on with so much vigour, that the garrison, consisting of about four hundred men, surrendered, on the 24th, prisoners of war. The confederates found in the place four hundred sacks of meal, four pieces of cannon, four hundred muskets,

(a) Drusenheim is a fortified post in Alsace, through which the lines of Hagenau run towards the Rhine. It was taken by prince Lewis of Baden as above mentioned, but since re- taken by the French. It stands about a league west of the Rhine, four miles south-east of Hagenau, eleven miles almost north from Strasburg, and six miles west of Stolhoffen.

muskets, and twelve barrels of powder; and the taking of it gave an opportunity to the Imperialists closely to block up Fort-Louis. On the 28th, Hagenau (1) was invested by a strong detachment, commanded by general Thungen, having under him the generals Erffa and Arnheim. The Polish infantry of the king of Prussia, and that of Wirtemberg, were employed in that siege, with twenty squadrons: And though the place had a good counterscarp, a large ditch full of water, and a strong wall, yet the garrison made but a slender resistance, offering to surrender the 5th of October upon articles; but, none being allowed, but to be made prisoners of war, they resolved to quit the place in the night, and retire to Savern. The place not being invested on that side, they put their design in execution, to the great dissatisfaction of prince Lewis of Baden. The taking of Drusenheim and Hagenau enabled the Germans to secure their quarters on that side of the Rhine, and very much facilitated the projects of the ensuing campaign. Thus nothing was done by that noble army, under the prince of Baden, equal either to their numbers or strength, or to the reputation which he had formerly acquired. This was contrary to the general expectation; for it was thought, that, being at the head of so great an army, he would have studied to signalize himself, if it had been but to rival the glory, which the duke of Marlborough and prince Eugene had acquired.

The emperor Leopold V. died in May this year. He was the most knowing and the most virtuous prince of his communion; only he wanted the judgment which was necessary for conducting great affairs at such critical times. He was almost always betrayed; and yet he was so firm to those, who had the address to insinuate themselves into his good opinion and confidence, that it was not possible to let him see those miscarriages, which ruined his affairs so often, and brought them sometimes near the last extremities. Of these every

The Emperor Leopold's death and character. Burnet.

K 3

body

(1) Hagenau is a city of Germany, in the circle of the Upper Rhine, and lantgrave-
dom of Alsatia, once imperial, but in an uncertain state, since the taking of Landau by the Germans in 1702; for, in 1703, the French re-possessed it, and, in 1704, drew lines by it, which prince Lewis of Baden forced this campaign, and took the town. It was retaken by the French in 1706. It stands on the river Matchrun, thirteen miles almost north of Strasburg; and as many west of Baden.

1705.

body else seemed more sensible than he himself. He was devout and strict in his religion, and was so implicit in his submission to those priests who had credit with him, and particularly the Jesuits, that he owed all his troubles to their counsels. The persecutions they began in Hungary raised one great war; which gave the Turks occasion to besiege Vienna, by which he was almost intirely swallowed up. This danger did not produce more caution: After the peace of Carlowitz, there was so much violence and oppression in the government of Hungary, both of papists and protestants, that this raised another war there; which, in conjunction with the revolt of the elector of Bavaria, brought him a second time very near utter ruin. Yet, he could not be prevailed upon, either to punish, or so much as suspect those, who had so fatally intangled his affairs, that without foreign aid nothing could have extricated him. He was naturally merciful to a fault; for even the punishment of criminals was uneasy to him. Yet all the cruelty in the persecution of heretics seemed to raise no relentings in him. It could not but be observed by all protestants, how much the ill influence of the popish religion appeared in him, who was one of the mildest and most virtuous princes of the age, since cruelty in the matters of religion had a full course under him, though it was as contrary to his natural temper as it was to his interest, and proved oftner than once almost fatal to all his affairs. His son Joseph, elected king of the Romans, succeeded him both in his hereditary and elective dignities. It was given out, that he would apply himself much to business, and would avoid those rocks, on which his father had struck, and almost split, and correct those errors, to which his father's easiness had exposed him. He promised to those ministers, whom the queen and the states had in his court, that he would offer all reasonable terms to the Hungarians; and he consented to their setting on foot a treaty, in which they were to be the mediators, and become the guarantees for the observance of such articles, as should be agreed on; and he gave great hopes, that he would not continue in that subjection to the priests, to which his father had been captivated. He desired to confer with the duke of Marlborough, and to concert all affairs with him. The queen consented to this, and the duke set out from the army, and arrived on the 12th of November, N. S. at Vienna, where he was treated with great freedom and confidence, and had all the assurances, that could be given him in words. He found, that the emperor was highly dissatisfied

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sted with prince Lewis of Baden; but that prince had credit in the empire, especially with the circles of Swabia and Franconia, that it was necessary to bear with that which not be helped. The duke of Marlborough returned with the hereditary dominions to Berlin, where he learned perfectly to accommodate himself to the king of Prussia's views, that he succeeded in every thing that he proposed, renewed all treaties for one year longer. He went from there to the court of Hanover, and there he gave them assurances of the queen's adhering firmly to their intention in maintaining the succession to the crown in that manner; with which the elector was fully satisfied; but it did not so much as the electress had a mind to be invited over to Eng-

From thence he came back to the Hague, where he settled several important matters with the States-General, particularly the taking ten thousand men more into the service of England and Holland, to reinforce Prince Eugene's army in Italy, he returned to England, and arrived at London on the 30th of December (1).

Prince Eugene encountered this year with great difficulties in Italy. He had a weak army, and it was both ill equipped, and ill paid. He was long shut up within the city of Bergamo: At last he broke through Cusano, where there was a very hot action between him and the duke of Savoy. Both sides pretended they had the victory, but the duke repassed the river, and the Imperialists kept the field. The French threatened Turin with a siege, which began with Chivas, which held out some months, but was at last abandoned. The duke de Feuillade com-

Affairs in
Italy.
Burnet.

K 4

manded

The earl of Sunderland sent an envoy extraordinary to emperor Joseph, with compliments of condolence on the death of his father the emperor Charles, and of congratulation on imperial majesty's accession to the throne; both which were then notified to our court by count Gallas, the Imperial ambassador extraordinary, upon something happened worth remembering. It was debated in council, whether the emperor and the court should be mourning for the late

emperor, and the majority of the council gave their opinion for the negative; because the emperors of Germany, assuming too great a superiority over other crowned heads, had hitherto refused to mourn for the monarchs of Great-Britain. But count Gallas, having in his master's name promised, that for the future the emperor would mourn for the kings and queens of England, her majesty went into mourning for the late emperor.

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manded the army near Turin, and seemed to dispose every thing in order to a siege; but the design was turned upon Nice, though late in the year. That place made a brave resistance for many weeks, but in December was obliged to capitulate, and was demolished by the French.

The firmness, which the duke of Savoy expressed in all these losses, was the wonder of all Europe. He had now but a small army of eight thousand foot and four thousand horse, and had scarce territory enough to support these. He had no considerable places left him but Coni and Turin. But he seemed resolved to be driven out of all, rather than abandon the grand alliance. His duchess with all the clergy, and indeed all his subjects, desired him to submit to the necessity of his affairs. But nothing could shake him. He admitted none of his bishops nor clergy into his councils, nor had any certain confessor, but sent sometimes to the Dominicans, and sometimes to the Franciscans, for a priest, when he intended to go to confession.

Affairs in
Spain and
Portugal.
Burnet.
Hist. of
Europe.
Impr. In-
quiry.

Gibraltar was defended with great bravery and resolution. Sir John Leake (as has been related) who was left with part of the confederate fleet in those seas, upon notice that Pointi, with a squadron of French men of war, was arrived at Gibraltar, in order to besiege the place by sea, as the Spaniards had done by land, sailed from Lisbon in October, and came so unexpectedly, that he surprized two of the enemy's frigates of thirty-four guns each, one of twelve, a fire-ship, and two English prizes, all which, being run ashore, were burnt; and one of thirty guns was taken. Whereupon, having reinforced the garrison with two thousand men, he returned to Lisbon.

In the end of February following, Sir John Leake received advice that Pointi was again arrived in the bay of Gibraltar with fourteen men of war and two fire-ships, and that the French and Spanish army designed to make a general assault upon the town. Upon this advice, Sir John Leake sailed again from Lisbon to its relief. In his way he met admiral Dilkes, who was sent from England to increase his force. By this addition he had a strong fleet of thirty men of war, and therefore held on his course with the utmost expedition, hoping to find Pointi in the bay of Gibraltar. But, on the 9th of March, he discovered five sail of the enemies making out of the bay to follow the rest of their squadron, which went off upon the first notice of his approach. These he immediately gave chase to, and soon after one of them, called the Arrogant, of sixty guns, was taken; as were two others,
the

the Ardent of sixty-six, and the Marquise of fifty-six, after some little resistance. The other two, the Magnanime of seventy-four, and the Lis of eighty-six guns, were run ashore, and burnt by the enemies themselves near Marbella. Sir John sailed up the Mediterranean, to see if he could overtake the rest of the French Squadron; but, after a fruitless pursuit for some days, he returned back to Gibraltar, which was now so well supplied, that the Spaniards lost all hopes of being able to take it, and therefore raised the siege, turning it into a very feeble blockade.

The campaign in Portugal had a very promising beginning. For the vigorous defence of Gibraltar, as it obliged the French and Spaniards to draw most of their forces that way, so it gave an opportunity to the Portuguese and their allies to invade Spain, both on the frontiers of Boyra, and those of Alentejo. This, however, was undertaken against the advice of some great men of the court of Lisbon, who urged, that, considering how much the auxiliary forces had been weakened by the detachments sent by the lord Galway to Gibraltar, the confederate army could not take the field, till they were joined by the recruits expected from England and Holland. But the earl of Galway over-ruled that pretence, and, by his care and industry, the preparations for an early campaign were not much retarded by the king of Portugal's indisposition, during which, the queen dowager of England was intrusted with the regency of the kingdom. Most of the troops appointed to take the field being assembled near Estremos, they began their march from thence on the 24th of April, N. S. the Conde das Galveas, a Portuguese, having the chief command; the Conde de la Corfona, the earl of Galway, and baron Fagel, commanding under him, each his week alternately; the Conde de Villaverde, being general of the horse, and the viscount of Barbacena, general of the artillery. Four days after, the army, being joined by a considerable number of horse and foot from Elvas, was found to consist of above twenty-four thousand men; and, having no enemy to oppose them in the field, the generals resolved to attack their fortified towns. Valencia d'Alcantara was first besieged, and carried by storm on the 8th of May, N. S. The garrison of Albuquerque, fearing the same fate, surrendered the place, on the 22d of that month, upon articles. After which, several councils were held, in which the earl of Galway and general Fagel proposed the siege of Badajox; but it was opposed by the Portuguese

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Portuguese upon several pretences. The English and Dutch generals continuing their instances, and offering several expedients to remove all difficulties, it was resolved to draw near Badajoz, and endeavour to fall on marshal de Theſſe, who was posted with about four thousand horse and foot on the banks of the Guadiana, to cover that important place. Accordingly the army marched on the 4th of June, N. S. and made some preparations to pass Guadiana; but, not being able to get a sufficient number of pontoons to make bridges, and wanting other necessaries for a siege, it was thought proper to lay aside that enterprize, and, in the mean time, to send the troops into quarters of refreshment.

While these things passed on the side of Alentejo, the marquis das Minas, who commanded the Portuguese forces in the province of Beyra, attacked the town of Salvaterra, and made the garrison prisoners of war; after which, the Portuguese plundered and burnt Sarca, which the French garrison and inhabitants had abandoned upon their approach. But the marquis das Minas's progress was soon stopped by a body of French and Spaniards, which marched against him, and obliged him to retire to Penamacos.

Notwithstanding the earl of Galway's incessant solicitations, and the solemn engagements of the Portuguese to king Charles of Spain to take the field in the beginning of September, in order to give the Spaniards a diversion, they continued in their quarters till the end of that month, when all the confederate forces being drawn together in the neighbourhood of Elvas, several councils of war were held to regulate the operations of the autumn campaign. Some proposed to march directly to Merida, to destroy the magazines, which the enemy had in that place; others, to march into Spain another way than by Estremadura; and others again, the siege of Badajoz, which the earl of Galway at last prevailed with the Portuguese to undertake, as the most proper means to give the enemy so considerable a diversion, that they should not be able to oppose the earl of Peterborough's attempt on Catalonia.

The generals being sensible, that the divisions among them about the punctilios of command had hitherto been a great obstruction to the execution of their projects, resolved if possible to prevent the like inconveniences for the future; and, in order thereto, agreed; that the earl of Galway, baron Fagel, and the comde de Cassona should command each in turn, for a week, as camp-masters-general, under the

the marquis das Minas generalissimo. This great difficulty about the command being removed, the army marched on the 1st of October, N. S. towards Badajoz, which they reached the 3d, and opened the trenches the next day. The siege was carried on with so good success, that it was thought almost impossible, that the enterprise should miscarry, as it did by an unforeseen accident. On the 11th of October, in the afternoon, a bomb of the enemy falling on one of the batteries of the besiegers, and blowing up the powder with some of the gunners, the earl of Galway and baron Fagel repaired thither immediately, to encourage the soldiers, and give the necessary directions; and, as they had both their arms lifted up, a cannon-ball from an old castle passed between them, took off the sleeve of baron Fagel, and struck off the lord Galway's right hand, a little below the elbow. The earl being obliged to be carried away, baron Fagel took upon him the command of the army, and direction of the siege; and the batteries continued firing with so great execution, that the besiegers reckoned to storm the place on the 15th. But the marquis de Thesse, having assembled three thousand horse and five thousand foot at Talavera, marched the night between the 13th and 14th with such expedition and secrecy, that in the morning they were drawn up in battalia, flanking the left wing of the confederates. After some time spent in consultations, the whole confederate army passed the Guadiana, in order to fight the enemy; but the marquis de Thesse, having thrown a relief of a thousand men into Badajoz, retired over the Chevera, with as great diligence as he advanced; and, on the 17th of October, N. S. the confederates thought fit to raise the siege. Baron Fagel, who being weary of a service where there was little or no harmony among the generals, had some time before demanded and obtained to be recalled, set out immediately for Lisbon, and there embarked for Holland, with the mortification of having the miscarriage before Badajoz imputed to him, of which he endeavoured to clear himself in print. As for the earl of Galway, besides his being consoled by the king of Portugal in a letter, and receiving another from the queen, written all with her own hand, he had the satisfaction of having it generally believed, that, if the disposition, which he had made for preventing the enemy's design, and was approved in the council of war the morning he lost his arm, had been executed, the confederates would not have been obliged to raise the siege of Badajoz.

By

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By this time all Europe was attentive to the great success of the confederates in Catalonia. Towards the latter end of May, the English fleet, with about five thousand land-forces on board, under the joint command of sir Cloudesly Shovel and the earl of Peterborough, sailed from St. Helen's, and arrived at Lisbon the 20th of June, N. S. a week after the Dutch fleet, commanded by admiral Allemonde, was come into that river. The earl of Galway, with the other generals, being about the same time come to Lisbon, several councils were held about the intended expedition of the confederate fleet: and upon the pressing instances of the earl of Peterborough, the earl of Galway was prevailed with to let him take with him the best part of two English regiments of dragoons, the lord Raby's and Cunningham's. The prince of Hesse d'Armstadt, arriving at this juncture at Lisbon from Gibraltar, gave king Charles III. positive assurances of the inclinations of the province of Catalonia and kingdom of Valencia to declare for him, which, together with his being weary of Portugal, made him resolve to try his fortune with the earl of Peterborough. This, however, was vehemently opposed by some Spanish grandees; but their reasons being over-ruled by the earl of Peterborough's stronger arguments, the king was confirmed in his resolution, and having sent back the prince of d'Armstadt, to Gibraltar, to get the garrison of that place in readiness to embark, he went on board the Ranelagh with the earl of Peterborough. They put to sea on the 28th of July, N. S. and, in a few days after, arrived in the bay of Gibraltar, where he was received as lawful Sovereign; and having taken on board the battalions of English guards, and three old regiments, which had lately so bravely defended the place, and left two new raised battalions in garrison there, they sailed again the 5th of August, N. S. Six days after they came to anchor in the bay of Altea, in order to water; and the earl of Peterborough caused a manifesto to be published in Spanish, declaring, "That he
 " was not come into these parts to take possession of any place,
 " in the name of her Britannic majesty, or of the States-
 " general, but to maintain the just right of the most august
 " house of Austria to the monarchy of Spain, and to defend
 " the good and loyal subjects of the Spanish monarchy, and
 " free them from the unsupportable yoke of a government
 " of foreigners. Hereupon, all the inhabitants of Altea, and the neighbouring villages came to acknowledge his Catholic majesty, imploring his protection, and brought with them the fruits of the country, and other necessary provisions.

At

At the same time, about eight hundred or a thousand men in the adjacent mountains, being weary of the French yoke, declared for king Charles III. and seized the town of Denea, not far from Altea bay. His catholic majesty appointed major-general Ramos, who had assisted the prince of Hesse d'Armstadt in the siege of Gibraltar, to be governor of that place, sending with him about four hundred men for its greater security. All this while the motions of the confederate fleet not only kept the French and Spaniards in alarms, but the allies themselves in suspense; there being various conjectures about the true design of this expedition. It appears by a letter from on board the Britannia in Altea bay, dated August 14, N. S. "That the earl of Peterborough having got nine-
 "teen battalions of infantry, about one thousand three hun-
 "dred horse, with a good train of artillery, and the king of
 "Spain on board the fleet, his lordship designed to have gone
 "directly for Italy, where, with the forces that were to join
 "him, either from the duke of Savoy or prince Eugene,
 "he might have driven the French out of Italy, and set his
 "royal highness at liberty to employ his forces another
 "way. But when letters arrived at Lisbon from Turin
 "and Genoa, advising of the good disposition of the Cata-
 "lans in favour of Charles III, that four thousand of them
 "had actually taken up arms, this broke his lordship's for-
 "mer measures, and obliged him, contrary to his inclinations,
 "to frame designs upon Catalonia, according to new or-
 "ders." But whatever ground there was for this, the fleet, having sailed from Altea bay about the middle of August, N. S. arrived in the bay of Barcelona the 22d of the same month (a). The

(a) Bishop Burnet says, The first design of this expedition was concerted with the duke of Savoy; and the forces they had on board were either to join him, or to make an attempt on Naples and Sicily, as should be found most advisable: There were agents employed in different parts of Spain, to give an account of the disposition people were in, and of what seemed most practicable. A body of men rose in Catalonia about Vick; upon the knowledge king Charles had of this, and upon other advertisements, that were

sent to our court, of the dispositions of those of that principality, the orders which king Charles desired were sent, and brought by a runner, that was dispatched from the queen to the fleet; so the fleet steered to the coast of Catalonia, to try what could be done there. The earl of Peterborough, who had set his heart on Italy, and on prince Eugene, was not a little displeased with this, as appeared in a long letter from him, which the lord treasurer shewed the bishop. Vol. II. 420.

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The prince of Hesse d'Armstadt being sent before with two frigates, to inquire into the posture of affairs in those parts, he put into Mataro, four leagues from Barcelona; and having advised the people of Vick, who had declared for king Charles, to come down to the sea-side, he rejoined the fleet on the 23d of August; and the infantry were landed, not only without any disturbance, but even with the assistance of the country people, who expressed great joy for the arrival of the fleet, and the catholic king. The next day, the dragoons, and part of the horse, were set on shore, and joined the rest of the forces, which were incamped about a quarter of a mile from the town of Barcelona on the east-side, in a place well fortified by nature. The circumference of the town being so large, that the forces from the fleet were not sufficient to invest it, the people of the country assisted them in securing all the avenues.

After the artillery and heavy baggage were landed, king Charles resolved to go on shore, to encourage the expedition by his presence, and shew himself to the people of the country, who came from divers parts in great multitudes, to see him. Accordingly, he landed on the 28th, N. S. at four in the evening, and, when he went from on board, the whole fleet saluted him, that by this the inhabitants of Barcelona might be assured, that his catholic majesty was come with the fleet. As soon as the king got on shore, an infinite number of people who came from Vick, and divers other towns and villages, with great acclamations, and repeated cries of Long live the king, ran to the water-side, cast themselves at his feet, and kissed his hand with all possible demonstrations of joy, insomuch that it was difficult for him to get from among so great and joyful a multitude. But at last, mounting on horseback, he rid to the camp, where the forces were all drawn up in a line to receive him.

Barcelona had a garrison in it of five thousand men, who were commanded by officers intirely in the interests of king Philip. It seemed a very unreasonable thing to undertake the siege of such a place with so small a force: They could not depend on the raw and undisciplined multitudes, which came in to join them, who, if things succeeded not in their hands, would soon abandon them, or perhaps study to merit a pardon by cutting their throats.

A council of war was called to consult on what could be proposed and done, in which both English and Dutch were all of opinion, that the siege could not be undertaken with

with so small a force (a), those within being as strong as they were; nor did they see any thing else worth the attempting. They therefore thought, that no time was to be lost, but that they were all to go again on board, and to

(a) Dr. Friend, in his account of the earl of Peterborough's conduct in Spain, p. 9. 3d edit. observes, That his lordship, upon encamping before Barcelona, found the scene of affairs quite otherwise, than what he was promised he should meet with. Instead of ten thousand men in arms, to cover his landing, and strengthen his camp, he saw only so many higers and sutlers flocking into it. Instead of a city in a weak condition, and ready to surrender upon the appearance of his troops, he found an orderly garrison, and a force almost equal to his army. In these difficulties, his lordship, as he was obliged by his instructions, called frequent councils of war; wherein day after day, for above a fortnight together, it was often unanimously, and always by a majority, agreed, that, considering the weakness of our forces, and the strength of the enemy; considering that our batterries, as our engineers declared, would be almost as long a raising on the side of the town we were masters of, as the fleet could well stay: In short, considering the extreme want of every thing necessary towards such an attempt, the siege was utterly impracticable. His lordship did indeed twice give his vote for the undertaking; but from the councils of war it will appear, that it was only out of the extreme passion he had to comply with the king of Spain's desires, and not out

of any confidence he had of succeeding. At the same time his lordship proposed and offered to his majesty either to sail with the whole fleet to Italy, in order to support the duke of Savoy; or to march by land along the sea-coast, where, with the countenance and assistance of the fleet, many towns of consequence might be reduced, the whole country disposed to declare for, and pay obedience to his catholic majesty, as some part of the neighbouring parts had done; and, upon any reasonable encouragement from Catalonia, and the kingdoms of Valentia and Arragon, winter-quarters might be secured, and a body of troops raised out of them, which might enable his majesty to march to Madrid next spring. But the author of the Impartial inquiry into the management of the war in Spain, printed at London in 1712, in 8vo. observes, p. 27. that this extreme passion, which the earl of Peterborough had to comply with the king of Spain's desires, did not last long, as appears from those very councils of war, which were published by Dr. Friend; for in the first council held on the 16th of August 1705. O. S. the siege of Barcelona was judged impracticable, nemine contradicente; on the 22d a particular attack upon the curtain was proposed, and the earl the only person, who approved it; on the 25th a general attack was pro-

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to consider what course was next to be taken before the season was spent, when the fleet would be obliged to return back again; and if they could not fix themselves any where before that time, they must sail back with the fleet. The prince of Hesse d'Armstadt only was of opinion, that they ought to set down before Barcelona, alledging, that he had secret intelligence of the good affections of many in the town, who were well known to him, and on whom he relied; and he undertook to answer for their success. This could not satisfy those, who knew nothing of his secrets, and consequently

proposed for eighteen days, which was agreed to only by the earl, and the brigadiers Stanhope and St. Amand; and on the 26th it was resolved by all the generals, at the king of Spain's request, to try their fortune eighteen days before the town. But on the 28th another council was held, wherein the earl was as forward as any for embarking the troops again; and seems to have furnished the generals with the reasons of that resolution; which is the more probable, because the reasons alledged in that council were, that they had not been assisted either by the fleet, or the country people as they expected; that the king was uncertain in his resolutions, sometimes for a march, sometimes for a siege; and that the deputies of the Catalans had declared to his lordship, that they would not promise any number of men to work in the trenches or batteries, or in any places where they should be exposed to fire. It is certain, that in the council of the 26th, when the generals resolved to try their fortune for eighteen days before the town, it was desired, that the fleet would furnish a certain number of men; and that

the prince of Hesse should procure a proportion of miquelets; upon which, the earl of Peterborough having signed this council in the affirmative as general, wrote a letter to the prince of Hesse, and sent brigadier Stanhope to make a demand of men in behalf of the land-council of war from the flags; but coming on board himself the same day, in regard to the safety of the fleet, his lordship gave his opinion in writing as admiral, directly contrary to his opinion and request as general; as appears from the earl's letter to the prince of Hesse of the 27th of August, and his opinion at a council of war, of English and Dutch flag-officers held on board the *Britannia*, Aug. 27, 1705. ' Thus, ' says the author of the *Impartial Inquiry*, p. 32. his lordship ' having voted only conditionally as general for undertaking the siege of Barcelona, and ' having afterwards disagreed to the performance of that ' condition as admiral, we may ' reasonably conclude he did ' not vote for undertaking the ' siege at all, and yet had a ' mind the experiment should ' be made at the hazard of the ' other admirals in his absence. ' But

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quently could only judge of things by what appeared to them. The debate lasted some hours: In conclusion the king himself spoke near half an hour; he resumed the whole debate; he answered all objections that were made against the siege, and treated every one of those, who had made them, as he answered them, with particular civilities. He supported the truth of what the prince of Hesse had asserted, as being known to himself. He said, in the state in which his affairs then stood, nothing could be proposed, that had not great difficulties in it: All was doubtful, and much must be put to hazard. But this seemed less dangerous than any other thing, that was proposed; many of his subjects had come and declared for him to the hazard of their lives; it became him therefore to let them see, that he would run the same hazard with them. He desired, that they would stay so long with him, till such attempts should be made, that all the world might be convinced, that nothing could be done; and he hoped, that till that appeared, they would not leave him. He added, that, if their orders obliged them to leave him,

But however contradictory these two opinions may appear, and however opposite they may have really been to his catholic majesty's interest; this is not the only instance his lordship has given under his own hand, of the little inclination he had to contribute to the reduction of Catalonia, as will plainly appear by several original papers.—Now, as to what regards the king of Spain's resolution, I think that may easily be accounted for from the different temper of his two generals, the prince of Hesse continually advising his majesty to press the siege; my lord Peterborough as assiduous to make him lay aside all thoughts of it; as may be seen very evidently from the following letter to sir Cloudesly Shovel from the prince of Hesse, dated at the camp, Sept. 8, 1705. where—

in he writes thus: "His catholic majesty, being in the greatest trouble in the world to find my lord Peterborough again resolved to leave this enterprize, hath his only recourse to you; his majesty declaring, that, if his lordship persists in his resolution to go away, his majesty finding, that without reason his crown and so good subjects shall be sacrificed, is resolved to stay with them, happen what will. This I must acquaint you with, in hopes that you will never permit such a cruel abandoning, and to take your measures accordingly. The king begs it of you as the last favour, and intreats you in the most submissive manner, to find out a way, that his majesty may not be the sacrifice of fools and knaves."

(1) Dr.

1705. him, yet he could not leave his own subjects. Upon this, they resolved to sit down before Barcelona, being all amazed to see so young a prince, so little practised in business, argue in so nice a point with so much force, and conclude with such heroical resolutions. This proved happy in many respects. It came to be known afterwards, that the Catalans and Miquelets who had joined them, hearing that they were resolved to abandon them and go back to their ships, had resolved, either out of resentment, or that they might merit their pardon, to murder as many of them as they could. When this small army sat down before Barcelona, they found they were too weak to besiege it, and could scarce mount their cannon. When they came to examine their stores, they found them very defective, and far short of the quantities, that by their lists they expected to find. It soon appeared, that the intelligence was true concerning the inclinations of those in the town: their affections were intire to king Charles; but they were overawed by the garrison, and by Velasco, who, as well as the duke of Popoli, who had the chief command, was devoted to the interests of king Philip. Deserters came daily from the town, and brought them intelligence: the most considerable thing was, that fort Montjuic was very ill guarded, it being thought above their strength to make an attempt upon it. It was concluded therefore, that all the hopes of reducing Barcelona, lay in the success of their design on that fort (a).

Two

(a) Dr. Friend, in his account of the earl of Peterborough's conduct in Spain, p. 32, says, that his lordship "now made use only of his own thoughts, and by an uncommon artifice made that never to be forgotten attack upon fort Montjuic, the very foundation of all our footing in Spain. This, I know, some would attribute to the late prince of Hesse. That brave prince indeed had two great a share in the danger of this undertaking; but, as he had no command in the army, so he was not in the least

" concerned in the forming of
 " this design — The injudicious, or rather impracticable
 " proposals made by the prince
 " of Hesse, and insisted upon
 " by him to the last, were the
 " occasion of these unanimous
 " councils of war against an
 " enterprise which promised
 " such certain ruin; and the
 " freedoms taken in discourse
 " by that prince had prevented
 " any correspondence for some
 " time between him and the
 " earl of Peterborough. So
 " far was this project against
 " Montjuic from being proposed
 " by that prince to his
 " lordship.

Two bodies were ordered to march secretly in the night of the 13th of September, N. S. and to move towards the other side of Barcelona, that the true design might not be suspected, for all the hopes of success lay in the secrecy of the

1705..

Montjuic
attacked
and taken.

“ lordship, that in truth the
“ earl of Peterborough was
“ forced to make it a secret
“ even to the court, where re-
“ sentments were very public
“ and remarkable, upon the
“ orders to embark the artil-
“ lery and the king's baggage,
“ which his lordship gave out,
“ the better to disguise his real
“ design. Nay, the excuse the
“ earl of Peterborough made
“ to the prince of Hesse for
“ inviting him to assist in an
“ action he could not yet ac-
“ quaint him with, was, that
“ the indispensable necessity of
“ deceiving the enemy, had
“ made him resolve to surprise
“ his friends in an attempt,
“ which, however desperate,
“ was yet the only possible
“ way of carrying on the siege
“ with success.”

On the other hand, the au-
thor of the Impartial Inquiry
into the management of the
war in Spain, p. 35. assures us,
that the earl's project, for that
time at least, was of a quite
different nature from that of the
attack upon fort Montjuic;
which he proves from the fol-
lowing original papers, viz. a
letter from the prince of Hesse
to Sir Cloudesly Shovel from
the camp, Septemb. 10, 1705,
in which are these words:

“ I do not doubt captain
“ Norris hath given you an
“ account of what happened
“ yesterday. Notwithstanding,
“ the king hath ordered me to
“ acquaint you of all the parti-

“ culars. Having found that
“ the land-officers were not to
“ be reduced to consent to the
“ attack upon this place, my
“ lord Peterborough hath been
“ at last disposed to offer to the
“ king, for an expedient, the
“ march to Tarragona, and
“ from thence to extend our
“ quarters to Tortosa, and even
“ into Valencia: which the
“ king willingly accepted, as
“ the only hopes left for him,
“ that might conduct him to
“ the throne, seeing that no-
“ thing else could be done; so
“ that this march is now fully
“ resolved upon for next Mon-
“ day or Thursday. The king,
“ at the same time, desires of
“ you to consider, that, his per-
“ son staying in this kingdom,
“ if it would not be serviceable,
“ that the fleet, or part of it,
“ during our march, should
“ make themselves masters of
“ Majorca, or Minorca, and
“ Ivica, where no resistance can
“ be made; and then to leave
“ in the winter some squadron
“ of light frigates in the Alfa-
“ ques, and to secure Port-
“ Mahon with another; which
“ place, you know, is large
“ enough, so that ten years ago
“ the whole Smyrna and Turkey
“ fleet came there to an anchor.
“ Then his majesty desires your
“ opinion, before we leave this
“ place, if it would not be con-
“ venient to throw some shells,
“ and cannonade the place,
“ where they build their gallies,
“ and there to summon the

1705. the march. The first body consisted of eight hundred, and both the prince of Hesse and the earl of Peterborough led them. The other body consisted of six hundred, who were to follow these at some distance, and were not to come above

town, and then to make some attack with boats and with ladders by the country-people, according to the answer the governor shall give; all which I leave to your best consideration. His catholic majesty relies in every part on your good zeal and particular love, you have shewn on all occasions to his person, and shall always owe to you the good success of this undertaking.'

The next paper cited is the king of Spain's agreement to the expedient proposed to him by the earl of Peterborough, dated at the camp September 16, N. S. 1705. in these words:

'My lord earl of Peterborough, I accept the offer you make me, seeing, by the resolutions of the councils of war, there remains nothing else to support me in Spain; so that, I assure you, I shall remain positive in the resolution of marching into the country, being what you may take upon yourself, and justify it, because the council of war had determined upon it. For the rest of the dispositions and particulars of the march, and of further designs to be formed, they will be easily regulated by you, and those persons that I shall appoint to assist you on my part, reposing an intire trust in you, and the zeal you express to my service.'

The author of the Impartial Inquiry then takes notice of

Dr. Friend's not allowing the prince of Hesse any share in the design against Montjuic, because of the open misunderstanding at that time between that prince and the earl of Peterborough, who even concealed that design from the court, 'And yet, says the author of the Impartial Inquiry, the prince of Hesse went volunteer upon this project, which one would think he should hardly have done in those circumstances, had he thought been intirely my lord Peterborough's, and kept a secret from his highness till the execution. But to say nothing of the prince's longer service and experience, and to pass over the improbability of his lordship's having formed in so little a time as one night a happy project against a fort, which he could not possibly know so well as the prince, that had been viceroy of Catalonia in king Charles II'd's time, and had defended Barcelona against the duke of Vendosme; let us examine into the success of this attack, which was, that a party of grenadiers, supported by the prince of Hesse, carried all before them, and made themselves masters of the out-works; but the taking of the Dungeon, which began to be despaired of, was afterwards intirely owing to the accidental firing of a bomb, that blew up the enemy's maga-

bove half way up the hill till some further order. Brigadier Stanhope led this body. They drew up with them some small field-pieces and mortars. They had taken a great ompafs, and had marched all night, and were much fatigued by

1705.

zine of powder, and frightened them into a surrender, which happy accident was the chief occasion of our taking Barcelona. For my part, I shall not pretend to determine who has the best right to the glory of this project; but it is certain the prince of Hesse was no stranger to it.' The author then gives several letters of Sir Cloudesly Shovel from that prince, who, in that of the 8th of September, N. S. writes thus :

' As his catholic majesty has heard nothing of my lord Peterborough's talking again of a sudden embarking, he hopes it will not be so; and desires me to tell you, that if it could be done, being the resolutions of the council of war, to land as soon as possible all the guns, and every thing necessary to hinder any resolution to be taken to the contrary.'

In another, dated September 2. N. S. the prince writes thus : ' Since the land officers are so disposed now to depart from their last resolution, and the king finding himself obliged in honour and in conscience not to abandon so good subjects, who have demonstrated to him all the zeal imaginable, more than the two thirds of the country having put themselves under the obedience of their lawful king, so that he can by no means leave to their utmost ruin, as them .

' his majesty has signified to day to my lord Peterborough, desiring of him some expedient, and being very willing to follow his advice; I believe the only way which is left, is, that my lord may be disposed to follow the resolutions taken by a council of war for a march, as you are informed without doubt, such as has been taken to make ourselves masters of Tarragona, to keep the Dutch with us, and then to extend our winter-quarters to Tortosa, and even into Valencia, as occasion shall permit. This his majesty desires of you to interpose with his lordship to come to a determination how far he can assist his majesty in this; which favour his majesty will esteem as the most particular and only expedient left to preserve some hopes of being put into the possession of the crown of Spain.

In his letter of the 13th of September, N. S. the prince writes thus :

' I heard just now, that captain Cavendish is to sail immediately, according as the king of Spain desired, as you have writ to the earl of Peterborough. But I having not been with the king to day, and some particular service being resolved [the attack on Montjuic] as captain Norris will tell you, when he comes back, I take the liberty to desire of you the favour, if possible,

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by the time that they had gained the top of the hill ; and three hundred of them, being commanded to another side of the fort, were separated from the rest, and, mistaking their way, fell into the hands of a body of men sent up from the town to reinforce the garrison in the fort. Before they were separated, the whole body had attacked the out-works, and carried them. But, while the prince of Hesse was leading on his men, he received a shot in his body, upon which he fell ; yet he would not be carried off, but continued too long in the place giving orders, and died in a few hours, much and justly lamented. The governor of the fort, seeing a small body in possession of the out-works, resolved to sally out upon them, and drew up four hundred men for that purpose. These would soon have mastered a small and wearied body, disheartened by so great a loss ; so that, if he had followed his own resolution, all would have been lost ; for all that brigadier Stanhope could have done, would have been to receive and bring off such as got to him ; but one of those newly taken happening to cry out, ‘ O poor ‘ prince of Hesse ! ’ the governor hearing this, called for him, and examined him ; and when he learned that both the prince of Hesse and the earl of Peterborough were with that body, he concluded, that the whole army was certainly coming up after them ; and, reflecting on that, he thought it

‘ possible, to stop captain Cavendish’s proceeding till to-morrow morning. Captain Norris will inform you more at large about the matter in question. My lord Peterborough desires me to write these lines, and hopes, that this night’s business will make us all easy.

The author of the Impartial Inquiry then gives us two letters of Sir Cloudesly Shovel, which not only contain an exact journal of the siege, but likewise shew, that something was due in the reduction of Catalonia to the good disposition of the people, and a great deal to the assistance of the fleet.

Mr. Boyer, in his history of queen Anne, p. 203, asserts,

That it was the prince of Hesse who proposed to the earl of Peterborough the scheme of surprising the fort of Montjuic, and desired, that his lordship would give him only a thousand men for that purpose, offering himself to conduct and command them ; and that the earl having taken a view of that fort, and of the town on that side, and maturely weighed his highness’s reasons, and considered the manner in which he intended to proceed in the attack, not only concurred with the prince, and readily granted him the thousand men he desired, but likewise resolved to support his highness himself with a thousand men more, and some dragoons.

not fit for him to expose his men, since he believed, 1705.
 the body which they were to attack, would be soon
 superior to him; for which reason he resolved not to
 a sally, but to keep within, and maintain the fort
 them. Thus the earl of Peterborough continued
 in the out-works, and being reinforced with more
 he attacked the fort, but with no great hopes of suc-
 cess, till throwing a few bombs into it, one of them fell
 on the magazine of powder, and blew it up, by which
 the governor and some of the best officers were killed; Sept. 7.
 this struck the rest with such a consternation, that they N. N.
 fled up the place.

This success was the more considerable, as the town of
 Barcelona lay just under the hill on which the fort stood.
 On this, the party in Barcelona that was well-affected to
 Charles, began to resume their courage, and to shew
 their lives. Nor did the earl of Peterborough lose any time
 in proving his advantages, for, as soon as Stanhope's bri-
 gade and some other troops were come up, he caused the
 fort to be opened, and four batteries of cannon, and
 mortars, to be erected; in which service, both the
 English and the Dutch seamen were very

In the mean time, the bomb-vessels threw about
 hundred shells into the town, which occasioned a great
 alarm among the people; and the batteries fired with
 much success, that, on the 4th of October, N. S. Don
 Joaquin de Velasco consented to capitulate; and brigadier
 Stanhope was exchanged, with count de Ribeira, as hostages.
 Stanhope made several extravagant demands, the debate-
 which continued till the 9th, when it was agreed,
 that the garrison should march out with all the arms of
 war, to be transported by sea to St. Felix near Palamos,
 and conducted from thence to Gironne. But, upon advice
 that Gironne had surrendered to king Charles III. it was
 ordered that Velasco, with his garrison, should be trans-
 ferred to Roses, which, by this time, was the only place
 in Catalonia that had not declared for the house of Austria.
 This was accomplished the conquest of the largest and
 province of Spain, with an army scarce double the
 number of the garrison of Barcelona.

King Charles was received into that city with great ex-
 ultation and joy. In the first transport, the people seemed
 ready to break through the articles granted to the garrison,
 to make sacrifices of the chief officers at least. Upon
 this the earl of Peterborough, with brigadier Stanhope and
 other

1705.

King
Charles
sends the
queen an
account of
his affairs.
Burnet.

other officers, rode about the streets to stop this fury, and to prevail with the people to maintain their articles religiously; and, in doing this, they ran a greater hazard from the shooting and fire, than they had done during the whole siege. They at last quieted the people, and the articles of capitulation were punctually observed.

Brigadier Stanhope was soon after sent to England, to give a full relation of this great transaction; by whom king Charles wrote to the queen a long and clear account of all his affairs, full of great acknowledgements of her assistance, with a high commendation of all her subjects, especially of the earl of Peterborough. This letter was all written with the king's own hand, and the French of it was so little correct, that it was not like what a secretary would have drawn for him, and therefore it was concluded, that it was penned by himself. The lord-treasurer had likewise another letter from him, all in his own hand; one correction in which seemed to make it evident, that the king composed it himself (a). He wrote, towards the end of the letter, that he must depend on his protection: upon reflection, that word seemed not fit for him to use to a subject, and therefore was dashed out, but the letters were still plain; and, instead of it, application was writ over it. These letters gave a great idea of so young and unexperienced a prince, who was able to write with so much clearness, judgment, and force. Nor could he receive much assistance from the prince of Lichtenstein, who was, by all accounts, a man of a low genius, who thought of nothing but the ways of enriching himself, even at the hazard of ruining his master's business.

A council of war being held at Barcelona, it was thought fit to comply with the king's resolution of venturing his own person with the Catalans; and that the earl of Peterborough should continue with that prince with the land-forces, and as many of the marines as could be spared from the service of the ships. The season of the year being far spent, it was, at the same time, resolved, That Sir Cloudestly Shovel and admiral Allemonde should return home immediately; that twenty-five English and fifteen Dutch men of war should winter at Lisbon, under the command of Sir John Leake and rear-admiral Wassenauer; and that four English and two Dutch frigates should be left at Barcelona. The fleet sailed from thence a few days after; and Don Velaſco, not thinking himself safe at Roses, and having desired to be transported

(a) Eishop Burnet saw both these letters.

transported to Malaga, was landed there, with about a thousand men of the garrison of Barcelona. The rest having readily lifted themselves in the service of king Charles, a regiment of five hundred dragoons was formed out of them for his guard; and six other regiments were afterwards raised by the states of Catalonia.

While the well-affected Miquelets and Catalans, headed by the count de Cifuentes, and assisted by the English and Dutch forces, secured themselves in the cities and towns of Tarragona, Tortosa, Lerida, St. Mattheo, Gironne, and other places, don Raphael Nebot, a Catalan, having quitted king Philip's service, came with his whole regiment of five hundred horse, and one hundred and fifty horse more, that joined him, to Denia, where being reinforced by major-general Ramos, with part of the garrison, they made themselves masters of Xabea, Oliva, Gandia, and Alxira, in the kingdom of Valencia. Flushed with these successes, they marched to the capital city with a thousand horse, five hundred foot, and a great number of the militia, and, by the assistance of some of the inhabitants, made themselves masters of that place, where they took the marquis de Villa-Garcia, the vice-roy, and the archbishop prisoners. Hereupon, the whole kingdom, the towns of Alicant and Penisola excepted, declared for king Charles III, who immediately raised colonel Nebot to the post of a major-general; and, a few days after, appointed the count de Cifuentes, viceroy of Valencia, at which the earl of Peterborough, who began to be jealous of that count, was not a little disgusted.

Dec. 29,
N. S.

In the first consultation about the war, after the taking of Barcelona, the earl of Peterborough was of opinion, that the forces should be divided, and the better half march immediately into Valencia, the rest into Arragon. The English and Dutch major-generals, Cunningham and Schratenbath, were against fatiguing and diminishing the troops; which they thought must be preserved with the utmost care, since they were hardly sufficient to defend the places already possessed in Catalonia. The latter opinion prevailed; and rest could hardly be refused to troops, which had undergone such hardships at sea, and the fatigues of such a siege. However, the earl of Peterborough obtained an universal consent to send a good body to Lerida, and about one thousand foot and two hundred horse to Tortosa, the bordering city on the kingdom of Valencia. With this small force he impatiently pressed for marching into Valencia; but there

Cam-
paign in
Valencia.
Friend.

1705.

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there were some at court, who were better pleased, that the reduction of that kingdom should be procured by their correspondence and management, than that it should be owing to her majesty's arms. In the mean time, the city of Valencia was brought to declare for the house of Austria; but the rejoicings upon this occasion were of short continuance, and the divisions at the court of Barcelona gave the enemy time to bring a body of three thousand horse and as many foot into the kingdom of Valencia, under the command of the Conde de las Torres, a general of known courage and of long service, who laid siege to St. Mattheo, where colonel Jones commanded some hundreds of Miquelets. This place being of so great importance by its situation, in regard that all communication between Catalonia and Valencia must have been cut off, had it fallen into the enemy's hands, the news of its being besieged gave great alarms to the court. However, upon a report that the country-people of Catalonia, Valencia, and Arragon had taken up arms, to the number of sixteen thousand men; that they had surrounded count Tilly, who had with him one thousand horse and one thousand foot; and that there was nothing wanting to the intire destruction of those troops before St. Mattheo, but a few officers, and some of the disciplined troops, that were in Tortosa, to encourage and direct this multitude, so conveniently posted, the king ordered the earl of Peterborough to give speedy directions in it. The earl regretted the lost time too much to lose one moment more; and, instead of sending to a subaltern the orders required, he immediately went post to Tortosa; and, though St. Mattheo was above thirty leagues from Barcelona, in about eight days from his departure, he found ways to raise that siege, though the report of the country's being up in arms was not true, and though he had nothing to depend upon but one thousand foot and two hundred dragoons. The methods taken in effecting this were as much out of the common road, as the resolution to attempt it (a).

Dec. 31.
N. S.

After

(a) Dr. Friend gives a particular account of this affair, and says, p. 206, that the enemy was before St. Mattheo with between two thousand three hundred horse, and about four thousand foot, whereas his

lordship had nothing to depend upon but one thousand foot and two hundred dragoons. It is not hard to guess what the general opinion was in these circumstances; neither did his lordship endeavour to persuade the

After the raising of the siege St. Mattheo, the earl of Peterborough resolved to make a shew of pursuing the enemy, without intirely exposing his little body, if they should be better informed, and lay aside their panic fear; and

the officers, that it was reasonable to approach such numbers with so inconsiderable force, but only made them sensible, that unless he could raise that siege, their affairs were desperate, and therefore only capable of desperate remedies. Upon which, he desired his officers to be content to let him try his fortune, whether he could not by diligence and surprise effect that, which by downright force was utterly impracticable. The confidence which these gentlemen had in the earl's care and intelligence, made them on all occasions approve of, or acquiesce at least in his designs, whatever difficulties might seem to lie in the way. It is certain, the Conde de las Torres had not the least notice of any enemy, till those employed by the earl of Peterborough gave him the account; which was in such a manner contrived by his lordship, and performed by his spies, that it obtained the desired effect. His lordship never made use of any Spaniards, without getting the whole family in his possession, to be answerable for those he employed; and, as the people of that country have very good natural parts, and will run any hazards for money, it was hard for the general of the other side to avoid being imposed upon, without renouncing all intelligence, and refusing credit to every thing, though never so probable.

By marches in the mountains, by dividing his troops, and by the help of obscurity, his lordship brought all his men to meet in one night at a place called Traguera, within six miles of the enemy's camp; and there, having got them within the walls, by his diligence and care he prevented any person from going out of town to give the enemy intelligence. He begun his march before day, and having with a small party viewed the woods and hills, he placed a few dragoons and miquelets so conveniently, that they could not be seen but by those they had already passed by, which his lordship took care to secure; so that all the soldiers were brought to their respective posts, to appear at an hour prefixed, soon after his lordship's spies had made the intended impression on the enemy's army. What this stratagem was, and what influence it was designed to have upon the enemy, will be best conceived from this letter, which his lordship wrote to colonel Jones, who was then governor of St. Mattheo.

' You will hardly believe
' yourself what this letter in-
' forms you of, if it comes safe
' to you; and, though I have
' taken the best precautions, it
' will do little prejudice if it
' falls into the enemies hands.
' since they shall see and feel
' the troops, as soon almost as
' they

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and therefore, while they marched through a narrow plain leading to Valencia, the earl took along the edge of the hill, to a place called Albocazor. Here he received an express from the king, with the melancholy account, "That
" the

' they can receive intelligence.
' should it be betrayed to them.
' The end for which I venture
' it to you, is, that you may
' prepare to open the furthest
' gate towards Valencia, and
' have your thousand miquelets
' ready, who will have the em-
' ployment they love and are
' fit for, the following and pil-
' laging a flying enemy. The
' country is as one could wish
' for their intire destruction.
' Be sure, upon the first appear-
' ance of our troops, and the
' first discharge of our artillery,
' you answer with an English
' halloo, and take to the moun-
' tains on the right with all
' your men. It is no matter
' what becomes of the town ;
' leave it to your mistresses.
' The Conde de las Torres must
' take the plains, the hills on
' the left being almost impassa-
' ble, and secured by five or
' six thousand of the country-
' people. But what will most
' gall them, the old regiment
' of Nebot, which revolted to
' us near Valencia, is likewise
' among them.

' I was eight days ago my-
' self in Barcelona, and I be-
' lieve the Conde de las Torres
' must have so good intelligence
' from thence, that he cannot
' be ignorant of it. What be-
' longs to my own troops, and
' my own resolutions, I can
' easily keep from him, though
' nothing else. You know the
' force I have, and the multi-
' tudes that are gathering from

' all parts against us ; so that
' I am forced to put the whole
' upon this action ; which must
' be decisive, to give any hopes
' of our desperate game.

' By nine or ten, within an
' hour after you can receive
' this, assure yourself you will
' discover us on the top of the
' hills, not two cannon-shot
' from the camp.

' The advantages of the sea
' are inconceivable, and have
' contributed to bring about
' what you could never expect
' to see, a force almost equal to
' the enemy in number ; and
' you know less would do our
' business. Besides, never men
' were so transported, to be
' brought with such secrecy so
' near an enemy. I have near
' six thousand men locked up
' this night within the walls of
' Fraguera ; I do not expect
' you should believe it, till you
' see them.

' You know we had a thou-
' sand foot and two hundred
' dragoons in Tortosa. Wills,
' and a thousand foot, English
' and Dutch, came down the
' Ebro in boats ; and I em-
' barked a thousand foot more
' at Farragona, which I landed
' at Virares ; and the artillery
' from thence I brought in
' country carts. It was easy to
' assemble the horse. Zinzen-
' dorf and Moras are as good
' as our own, and with our
' English dragoons make in all
' near two thousand. But the
' whole depends upon leaving
' them

duke of Noailles was entering, with near eight thousand, in Catalonia, from the side of Rouffillon: the body under prince Tsercles Tilly in Arragon four or five thousand, pressing upon all the places Lerida: that the duke of Anjou, with marshal de Sic, was forming a body of ten thousand men near
“ Madrid,

to retreat without intention.

Mr Jones, prove a good son: be diligent and and preach that well-doctrine to your ministers, “ Plunder without fear.” Your friend,

PETERBOROUGH.

A letter was given to two persons; the one in- and ordered, by such in the morning, to pre- betraying of it into the f the Conde de las Tor-; other was to remain emountains, and agreed endeavour to give it in ht to colonel Jones. an was really persuaded, : number of troops was lerable as was pretended. ft was ordered to say of the earl of Peter- s force, lest he might sed to ill usage, when e came to be discovered. e had given the letter, directions to inform, he other spy was hid, ndition made for the of his life. Whether cial account of the one, incere confession of the eailed, is not known; certain, that as soon as r was translated, orders iven to prepare for a and, not long after, pon a retreat of a small he enemy, some of the en approached the top

of the hill, which overlooks St. Mattheo, the whole army was in the utmost confusion, the soldiers striking their tents, loading their baggage, and preparing to quit the siege.

In a very little time the troops of the earl of Peterborough appeared on the top of the adjoining mountain, not above random cannon-shot from some part of the enemies camp. The country which was full of little rising grounds and vallies, and covered with olive trees, being favourable for such an approach, and the enemies advanced party being drawn into the camp before any judgment could be formed of the earl's strength, it was easy for him to make a shew of his forces to advantage. This surprise made their fears as great as could be desired; and had the earl had any proportion of troops, he had a fair opportunity of cutting them all off. But he was content to let seven thousand men go off without being attacked, and thought it enough to raise the siege with a force so disproportionate as that of one thousand two hundred; after his lordship found not only all the informations, which engaged him in that attempt, intirely wrong, but his circumstances so very difficult, as would have deterred any other man from so hazardous an undertaking.

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“ Madrid, which would soon be in motion ; besides the
 “ troops under the duke of Berwick on the side of Por-
 “ tugal.” After these informations, the king acquainted
 him, that he was obliged to countermand the one thousand
 foot, and three hundred horse, which were appointed to join
 him, and were already come almost as far as Tortosa. The
 letters from court at the same time represented the necessity
 of defending Catalonia, and, above all, the care and pre-
 servation of the king’s person ; but, however, in this matter
 the earl had no positive orders from the king. In these cir-
 cumstances, he advised with his officers, who were unani-
 mously of opinion, that all endeavours ought to be used for
 the speedy defence of Catalonia. The earl so far complied
 with the council of war, as to give orders to the foot, with
 a small party of horse, to march back to Vinars, six leagues
 from Tortosa, where, in case of necessity, he could embark
 the foot in boats, and throw them securely into the Ebro ;
 but being fully resolved never to repass that river, without
 positive orders from the king, he set out with a party of
 horse to pursue the enemy. The earl expressed himself very
 freely upon that subject, in a letter he wrote from Alcala
 to the king, wherein he told him, “ That, if his majesty
 “ would have believed him, he probably had not only had,
 “ at this time, a viceroy of Valencia, but the kingdom :”
 concluding, “ That, if the time lost exposed him to a sacri-
 “ fice, at least he would perish with honour, and as a man
 “ deserving a better fate.” At the same time, the earl
 sent orders to the thousand Spanish foot and three hundred
 horse, to enter into Valencia ; and, in case the king should
 again remand them to Lerida, he had sent positive orders
 for colonel Wills to march immediately with an equal num-
 ber of horse and foot to his assistance. This resolution pro-
 duced the desired effect ; and orders were sent from the
 court at Barcelona to the Spanish forces, to follow the di-
 rection of the English general. Hereupon the earl of Pe-
 terborough continued the pursuit of the enemy, who retired
 from him with the same precipitation as they had fled from
 St. Mattheo, being still, by the same artifices (used to
 make them raise the siege) persuaded, that they were fol-
 lowed by considerable forces. After several days march, the
 earl possessed himself of Nules, where he began to form
 that cavalry, which secured the kingdom of Valencia, and
 afterwards contributed to save Barcelona ; taking near two
 hundred horse in a place, where the enemy had three thou-
 sand men the day before. After this, he came to Castillon

de la Plana, a town populous, rich, and well-affected, where having procured and bought eight hundred horses, he not only recruited the dismounted English and Spanish dragoons, but formed a new regiment of dragoons out of part of the lord Barrimore's regiment of foot; the command of which new corps he gave to lieutenant-colonel Pierce, ordering the remaining officers of the old to return to England, to recruit the same. Having drawn together ten squadrons of horse and dragoons, and four battalions of foot, regular forces, besides about three thousand militia, he marched to Molviedro, the ancient Saguntum, so famous in the Roman history, four leagues distant from Valencia, where brigadier Mahoni, an Irish officer, had, under his command, about eight hundred men, near half of whom were his own regiment of dragoons. The town and castle were an old fortification, secured by a river, which the earl of Peterborough was to pass, and so were capable of making some resistance. But, brigadier Mahoni having consented to an interview with the earl, the latter made so advantageous a show of his strength, that Mahoni was at last induced to surrender the town, being allowed to withdraw his troops. At the same time, the earl of Peterborough so dexterously raised jealousies of Mahoni in several of the Spanish officers, and in the duke of Arcos, who had succeeded the Conde de las Torres, that he met with no disturbance in his march through the plain from Molviedro to Valencia, where he was received with extraordinary demonstrations of joy. Whole bodies of priests and friars, in their several habits, were regimented and drawn up under arms to attend him, publicly acknowledging, that they owed their preservation to his resolution and activity (a).

About

(a) Dr. Friend observes, p. 268, that his lordship had, as his officers conceived, two insuperable difficulties; the one to get possession of Molviedro, and secure the pass on the river; the other, to pass the two leagues of the plains, which were betwixt Molviedro and Valencia, before so good and so strong a body of horse as that commanded by Mahoni. His lordship was in hopes, if he succeeded in one, to compass the other;

and to that end, as soon as he found the treaty with Mahoni in a fair way, he chose two Irish dragoons out of Zinzendorf's regiment, which he well instructed and well paid, and sent immediately as deserters to the duke of Arcos. He promised to make them officers, if they succeeded; which was punctually made good to one, who well had deserved it, the other dying soon after his return. They were to discover to the duke

1705. About this time a considerable action happened near St. Iſtevan de Litera. Major-general Connyngnam, who was lately made lieutenant-general, and commanded in Lerida, with a strong garrison of English and Dutch, having intelligence, that the enemy about Balbastro designed to attack some of his dragoons at Tamarite, he immediately sent thither colonel Wills with six hundred men; upon which the enemy repassed the river, and retired to Balbastro. Three days after, the chevalier d'Asfeld, with nine squadrons of horse and dragoons, and as many battalions of foot, all French,

An action
at St.
Iſtevan de
Litera.

Jan 22,
N. S.

duke of Arcos, that being hid under the rocks of the hill, where they were drinking a glass of wine, they had heard all the discourse between the earl and Mahoni: that they saw five thousand pistoles delivered; and that Mahoni was to be a major-general upon the English and Spanish establishment, and to command a body of ten thousand Irish catholics, which were raising for the service of king Charles. They agreed with the duke of Arcos to have no reward, if he were not soon made sensible of the truth of what they said by Mahoni himself; since they were persuaded, that he would soon send to engage the duke of Arcos to march immediately with the whole army towards the Carthusian convent, under pretence of joining with his horse, in order to prevent the earl of Peterborough from passing the plains of Molviedro; but that, whereas this march must be made in the night, all matters were so agreed and contrived betwixt the earl and Mahoni, and the troops so placed, that he must fall into the ambushes designed, and run great hazards of an entire defeat. It fell out, that soon after those spies had given this account to the duke of Arcos, Mahoni's aid-de-camp

arrived with proposals exactly to the same purpose. The Spanish general (whose suspicions were confirmed by the jealousies which the earl of Peterborough had raised in several of the Spanish officers, who were come from Molviedro to him) instead of complying with the immediate march proposed by Mahoni, removed his camp quite the contrary way. Mahoni with his horse exposed the whole army at the Carthusian convent, till the approach of the earl of Peterborough made him retire to the duke of Arcos's camp; and as soon as he arrived, he was secured by that general, and sent to Madrid. But, when Mahoni came to tell his story at court, he was made a major-general, and the duke of Arcos was recalled.

The author of the Impartial Inquiry into the management of the war in Spain, having quoted this story from Dr. Friend, observes, p. 79, 'That it was not thus the Romans got possession of Molviedro, when it bore the name of Sargentum: they would not have rendered an enemy's general suspected to his master by arts unwarrantable, nor did they ever interpret in so loose a sense, *Dolus an virtus quis in hoste requirat?*'

1705.

, advanced to attack colonel Wills, who, the day
 had marched to St. Iſtevan de Litera, with no more
 our hundred foot and thirty dragoons. Upon the
 s approach, colonel Wills drew out his small num-
 d attacked their advanced guard ſo briskly, that he
 m back to their body, and, purſuing them a league,
 them to retire in confuſion to Fons and Almaná.
 ht, colonel Wills was joined by Connyngſham and
 Palm, with the reſt of the troops, to the number
 of between eleven and twelve hundred men. The
 morning, the chevalier d'Asfeldt advanced with his
 to attack the confederates, who thereupon drew out
 ted their foot on a hill, towards which the enemy's
 is marching. About eight o'clock they were fully
 l, and the enemy puſhed two companies of Engliſh
 ers; but major Buſton marched up with ſome pla-
 and beat them back again; at which time Connyng-
 ceived a ſhot through his belly, and was carried off.
 l Wills having then the command, continued the
 ll three in the afternoon; but, though the enemy
 d a great part of their forces to drive the confede-
 m the hill, yet they kept their ground with ſo much
 in, that the enemy thought fit to retreat again to
 d Almaná. The troops fought with extraordinary
 on both ſides, ſo that the muzzles of their pieces
 The confederates had ſeveral officers, and about one
 l and fifty private men killed or wounded, but had
 ners taken from them; whereas the enemy had four
 men killed, and left behind them a lieutenant-
 and a lieutenant of dragoons, who were made pri-
 Colonel Wills continued till five on the field of
 and then marched to Balaguer, where lieutenant-
 Connyngſham died, three days after, of his wounds.
 the news of the ſucceſs in Catalonia, the councils
 al were quite changed. That court had a better
 than formerly of the reduction of Spain. The war
 v divided, which lay wholly upon them before; and
 ch party there had no longer the old pretence to
 heir counſels by, that it was not fit for them to en-
 emſelves too deep in that war, nor to provoke the
 ls too much, and expoſe themſelves to revenge, if
 s ſhould deſpair and grow weary of the war, and
 eir troops and fleets. But now, that they ſaw the
 ed on ſo far in the remotelt corner of Spain, which
 e a great diverſion to king Philip's forces, it ſeemed

Connyng-
 ham dies
 of his
 wounds.
 The coun-
 cils of
 Portugal.
 Burnet.

1705. a much safer, as well as it was an easier thing, to carry on the war with more vigour for the future. Upon this, all possible assurances were given the earl of Galway, that things should be conducted hereafter fully to his satisfaction; so that by his dispatches to England it appeared, that he was thoroughly convinced of the sincerity of their intentions, of which he had been in great doubt, or rather despair.

Affairs at
sea.

Affairs at sea were more prosperous this year than they had been formerly. In the beginning of the season, our cruisers took so many of the French privateers, that we had some thousands of their seamen in our hands; and we kept such a squadron before Brest, that the French fleet did not think fit to venture out; and their Toulon squadron had suffered so much in the action of the former years, that they either could not or would not venture out. By this means our navigation was safe, and our trade prosperous.

Affairs in
Hungary,

In Hungary matters went on very doubtfully. Transylvania was almost intirely ruined. Ragotski had great misfortunes there, as the court of Vienna published the progress of the new emperor's arms; but this was not to be much depended upon. They could not conceal, on the other hand, the great ravages which the malecontents made in other places; so that Hungary continued to be a scene of confusion and plunder.

and in
Poland.

Poland was in no better condition. King Augustus's party continued firm to him, though his long stay in Saxony gave credit to a report spread about, that he was resolved to abandon that kingdom, and to return to it no more. This summer past over in motions and actions of no great consequence: what was gained in one place, was lost in another. Stanislaus procured himself to be crowned. The old cardinal, though summoned to Rome, would not go thither. He suffered himself to be forced to own Stanislaus, but died before his coronation; and that ceremony was performed by the bishop of Cujavia. The Muscovites made as great ravages in Lithuania, as they had formerly done in Livonia. The king of Sweden was in perpetual motion; but, tho' he endeavoured it much, he could not bring things to a decisive action. In the beginning of winter, king Augustus, with two persons only, broke through Poland in disguise, and got away to the Muscovite army, which was put under his command. The campaign went on all the winter-season, which considering the extreme cold in those parts, was thought a thing impracticable before. In the spring after, Reinschild,

1705.

Leinschild, a Swedish general, fell upon the Saxon army, which was far superior to his in number; for he had not above ten thousand men, whereas the Saxons were about eighteen thousand; notwithstanding which, he gave them total defeat, killed about seven thousand, and took eight thousand prisoners, and their camp-baggage and artillery. Tumbers, upon such occasions, are often swelled, but it is certain, this was an intire victory. The Swedes gave it out, that they had not lost a thousand men in the action; and yet even this great advantage was not like to put an end to the war, nor to the distractions, into which that miserable kingdom was cast. In it the world saw the mischiefs of an elective government, especially when the electors have lost their virtue, and set themselves to sale. The king of Sweden continued in an obstinate aversion to all terms of peace; his temper, courage, and his military conduct, were much commended; but he grew too savage, and was so positive and peremptory in his resolutions, that no applications could soften him, and he would scarce permit them to be made. He was devout almost to enthusiasm; and he was severely engaged in the Lutheran rigidness, almost equally against papists and calvinists; but his education was so much neglected, that he had not an equal measure of knowledge to direct this zeal.

Having given such a view of the state of Europe this summer, as may serve to shew the proceedings in every part of it, we shall now return to England. The election of members of the house of commons was managed with great industry on both sides. The clergy took great pains to infuse into all people tragical apprehensions of the danger the church was in. The universities were inured with this, and took all possible means to spread it over the nation with much vehemence. The danger of the church of England grew to be the word as given in an army. Men were known as they answered it. None prized this higher than the jacobites, though they had made schism in the church. At last, even the papists, both at home and abroad, seemed to be disturbed with the fears which the danger of our church put them under; and this was supported by the Paris gazette, though of that the party seemed ashamed. Books were writ and dispersed over the nation with great industry, to possess all people with the apprehensions that the church was to be given up, that the bishops were betraying it, and that the court would sell to the dissenters. Now it was, that the memorial of the

A parliament
chosen in
England.
Burnet.

1705.

church of England, penned by some zealous churchmen, was printed and spread abroad, setting forth her melancholy situation and distress (a). They also hoped, that this campaign, proving less prosperous, than had been expected, might

(a) This pamphlet was composed by Dr. Drake the physician, and others, and humbly offered to the consideration of all true lovers of our church and constitution. In it was the following passage: 'Those, that look no deeper than the surface of things, are apt to conclude without hesitation, that the church of England is in a very flourishing condition. Its dignities and preferments make a very good shew, and the patronage of the queen seems to promise a continuance of prosperity. But, for all this fine complexion and fair weather, there is an hectic fever lurking in the very bowels of it, which, if not timely cured, will infect all the humours, and at length destroy the very being of it. The nation has a long time abounded with sectaries, who, in the preceding century, violently overturned both church and state, tho' their own extravagance and confusion, through a special providence, contributed more than human wisdom to the re-establishment of them. The sons of those men yet remain, and inherit, many of them, the principles of their fathers. I would therefore be no very uncharitable supposition, without any other argument, to imagine them heirs of their designs likewise; for it is easy to demonstrate, that such principles lead naturally to

such designs, and that no man can heartily embrace one, without having favourable thoughts of the other. Nor can we blame them; for, if any man is persuaded (as many of our sectaries avow themselves to be) that the discipline and worship of the church of England are an abomination, his conscience will readily suggest to him, that he ought to do his utmost to purge the land from such abomination; and upon this pretence has the church been once already subverted, tho' raised again by God in a miraculous manner. In those days a thorough reformation, root and branch, was the cry of all the pulpits, the Shibboleth of the party. If, since the church recovered its ancient lustre and authority, they have been more silent, and in appearance more moderate, it is not that they are better tempered or affected, but that, submitting to the necessity of the times, they have dissimulated their intentions better. Yet some overt-attempts here, and the whole course of their proceedings in Scotland during these two last reigns, sufficiently shew us what treatment we might expect, if they had the power. But these people, tho' they may have the will, have not the power alone to endanger the church. The dissenters are not yet considerable enough for their numbers

put the nation into ill humour, which might fur-
 m with some advantages. In opposition to all this, 1705.
 it acted with such caution and coldness, that the
w. igs.

rs (however they boast
 n) wealth, or quality, to
 about any great change
 constitution of church
 e. And our church is
 ong to be shaken, but
 he treachery or supine
 nce of its own mem-
 or those, at least, that
 d to be such; and, as
 palm themselves fre-
 y upon their country
 urch, to the irreparable
 e of both. The sud-
 eath of the late king
 inted, mortified, and
 ed the dissenters and
 bettors, the whigs, so
 rely, that they were
 o have thrown a blank
 church, and would have
 a general indemnity,
 n exclusion from all
 trust and office. They,
 not a month before,
 d nothing but defiance,
 ulted the church, and
 the princess with the
 scandalous indignities
 dest calumnies, were
 nstant grown the most
 subjects, the most as-
 te friends, and the
 eaceable, meek, chris-
 tian people in the
 e. They preached no-
 ut charity, peace, and
 orgiveness of injuries,
 n of wrongs, and the
 bolition and extinc-
 tions and factions for
 So very good and gra-
 an men in fear be!
 ence this humility and
 n of mind, this sweet-

ness of temper? Was it natu-
 ral, or the result of more
 extraordinary grace, or more
 christian principles than other
 men were possessed of? No;
 but they had just before in-
 jured and affronted the prin-
 cess and church of England in
 so insolent and outrageous a
 manner, upon presumption,
 that durable schemes were
 upon the anvil in their fa-
 vour, that their own consci-
 ences, upon the vanishing
 of them, prompted them to
 seek pardon and peace, from
 those whom they had so a-
 bused, by an extraordinary
 submission. But when, con-
 trary to these fears, they found
 the head of the church, and,
 after her example, the mem-
 bers of it too, inclined not
 only to forgive, but to forget
 past injuries, and that, instead
 of punishment, they met not
 with so much as a rebuke
 or reproach, but comfortable
 speeches and kind assurances
 from the queen herself, and
 good countenance from some
 of her prime ministers, their
 spirits were elated in an in-
 stant; the spirit of humility
 and pacification vanished;
 their former insolence and
 presumption returned upon
 them in full force; and they
 began to challenge and pro-
 voke the church as boldly as
 ever. Thus far the history
 of their carriage towards the
 church is public and recent.
 as likewise the advances, that
 have been made in their fa-
 M 3. vour,

1705.

whigs had very little strength given them by the ministers in managing the elections. They seemed rather to look on as indifferent spectators, but the whigs exerted themselves with great activity and zeal. The dissenters who had been former-

'vour, and the repulses, which
'the church has met with.
'Every thing has passed in
'Scotland to the desire of the
'presbytery, even to the en-
'dangering the church and
'monarchy of England, and
'the disherison of its crown,
'and the immediate prejudice
'of its sovereignty; but on the
'contrary, nothing for the se-
'curity of the church here,
'which can not only boast it-
'self to be a main branch of
'the civil constitution, but the
'prop and support of the whole
'frame of government; which
'removed, it must necessarily
'fall to the ground, as has
'been once fatally experiment-
'ed. All attempts to settle it
'on a perpetual foundation
'have been opposed and ren-
'dered ineffectual by ministers,
'who owe their present gran-
'deur to its protection; and
'who with a prevarication
'as shameful as their ingrati-
'tude, pretend to vote and
'speak for it themselves, while
'they solicit and bribe others
'with pensions and places to
'be against it.'

This last reflection was visi-
bly levelled against the duke of
Marlborough and the lord
treasurer Godolphin; and the
rest of that libel, containing no
less injurious insinuations against
the queen herself for removing
some of her ministers, the grand
jury of London and county of
Middlesex, at the sessions held
at the Old-Bailey, on the 31st

of August, 'with the utmost
'indignation and resentment,
'presented one book, lately
'printed by a notorious cri-
'minal [David Edwards] (con-
'victed in that court for print-
'ing and publishing a seditious
'and treasonable libel, for
'which he was fined and pillo-
'ried, and was now fled from
'justice) intitled, The memori-
'al of the church of England,
'&c. to be a false, scandalous,
'and traiterous libel, secretly,
'but industriously spread a-
'broad, to advance and ac-
'complish traiterous and wicked
'designs, highly impeaching
'the truth and sincerity of her
'majesty's royal resolution and
'pious assurances to support
'and preserve our government,
'both in church and state, the
'rights, liberties, and proper-
'ties of all her people; and
'also craftily designed to re-
'proach and scandalize her
'wife and faithful ministry,
'divide her councils, create
'variances, disputes, and dis-
'cords in her parliament, and
'to raise and foment animosi-
'ties, fears, and jealousies a-
'mongst all her people.' Upon
this presentment the court or-
dered the said libel to be forth-
with burnt in the sight of the
said court then sitting, and also,
on the Tuesday following, be-
fore the Royal-exchange, which
was done accordingly, on the
1st of September, the sheriff
attending.

formerly much divided, were now united intirely in the interests of the government, and joined with the whigs every where. 1705.

When the elections were all over, the court took more Sir Na-
part, for it appeared, that they were sure of a great major-
ity; and the lord Godolphin declared himself more open-
ly, than he had yet done, in favour of the whigs. The dismissed.
first instance given of this, was the dismissing of sir Nathan
Wright, who had continued so long lord-keeper, that he was
fallen under a high degree of contempt with all sides; even
the Tories, though he was wholly theirs, despising him.
He was sordidly covetous, and did not at all live suitably to
at high post. He was become extremely rich, though
was not charged with bribery in his court; but there
was a rumour with relation to the livings of the crown,
that were given by the great seal, as if they were set to sale
to the officers under him. The great-seal being sent for,
the custody of it was given, in council to William Cowper, Cowper
with the title of lord-keeper. He was a gentleman of a good made
family, of excellent parts, and of an engaging deportment, lord-
very eminent in his profession, and had been, for many years, keeper,
considered as the man, who spoke the best in the house of Oct. 11.
commons. His promotion was very acceptable to the whigs,
so had been much disgusted with the lord-treasurer for the
sickness he expressed, as if he would have maintained a neu-
trality between the two parties, though the one supported
him, while the other designed to ruin him. But this step,
preferring the new lord-keeper, went a great way to-
wards reconciling the whigs to him (a).

The new parliament met on the 25th of October. The Second
appearance in the house of commons was greater than had parlia-
been known at the opening of any parliament for fifty years be- ment of
fore; no less than four hundred and fifty-six members being queen
present. The first struggle was about the choice of a speaker, Anne.
by Hist. of
Eur. Bur.
P. H. C.
III. 442.

(a) The duchess of Marl- to contempt. His removal,
borough, in the account of her however, was a great loss to the
conduct (p. 159) says, The church, for which he had ever
next year I prevailed with her been a warm stickler. And this
to take the great seal loss was the more sensibly felt
from sir Nathan Wright, a man as his successor. my lord Cow-
despised by all parties, of no per, was not only of the whig-
use to the crown, and whose party, but of such abilities and
sordid and wretched conduct, in integrity, as brought a new
the court of Chancery, had al- credit to it in the nation.

1705.

by which a judgment was to be made of the temper and inclination of the members. The court declared for Mr. John Smith, a man of clear parts, and of a good expression, who was then in no employment, but had gone through great posts in the former reign with reputation and honour, having been a commissioner of the treasury, and chancellor of the exchequer. He had, from his first setting out in the world, been thoroughly in the principles and interests of the whigs, yet with a due temper in all personal things, with relation to the tories. But the tories all declared against him for Mr. Bromley, one of the representatives of the university of Oxford, a man of a grave deportment and good morals, but considered as a violent tory, and as a great favourer of jacobites, which appeared evidently in a relation which he printed of his travels. The marquis of Granby, eldest son to the duke of Rutland, who first proposed Mr. Smith, was seconded by Mr. Robert Walpole; and sir John Holland, the marquis of Hartington, sir William Strickland, sir Charles Turner, and some others, spoke by turns on the same side. On the other hand, the earl of Dysert recommended Mr. Bromley, and was supported by sir Thomas Hanmer, sir Edward Seymour, sir William Drake, Mr. Frederick Herne, Mr. Annesley, and sir Roger Mofyn. No affair of that sort had ever been carried with such heat on both sides as this was: So that it was just to form a judgment upon it of the temper of the house. After a debate of about an hour and half, the house divided, and, two members being appointed to tell the voices, Mr. Smith had two-hundred and forty-eight, and Mr. Bromley two hundred and five only. Mr. Smith being, on the 27th of October, presented to the queen, seated on the throne in the house of peers, she approved the choice of him, and made the following speech to both houses;

My lords and gentlemen,

“ I Have been very desirous to meet you as early as I
 “ I thought you might be called together without in-
 “ convenience to yourselves. And it is with much satis-
 “ faction, I observe so full an appearance at the opening
 “ of the parliament, because it is a ground for me to con-
 “ clude, you are all convinced of the necessity of prosecuting
 “ the just war, in which we are engaged, and therefore are
 “ truly sensible, that it is of the greatest importance to us
 “ to be timely in our preparations.

“ Nothing

“ Nothing can be more evident, than that if the French king continues master of the Spanish monarchy, the balance of the power in Europe is utterly destroyed, and he will be able in a short time to ingross the trade and the wealth of the world.

“ No good Englishman could at any time be content to sit still, and acquiesce in such a prospect; and at this time we have great grounds to hope, that by the blessing of God upon our arms, and those of our allies, a good foundation is laid for restoring the monarchy of Spain to the house of Austria; the consequences of which will not only be safe and advantageous, but glorious for England.

“ I may add, we have learned by our own experience, that no peace with France will last longer, than the first opportunity of their dividing the allies, and of attacking some of them with advantage.

“ All our allies must needs be so sensible this is the true state of the case, that I make no doubt but measures will soon be so concerted, as that, if we be not wanting to ourselves, we shall see the next campaign begin offensively on all sides against our enemies, in a most vigorous manner.

“ I must therefore desire you, gentlemen of the house of commons, to grant me the supplies, which will be requisite for carrying on the next year's service both by sea and land; and, at the same time, to consider, that the giving all possible dispatch, will make the supply itself much more effectual.

“ The firmness and conduct, which the duke of Savoy has shewn amidst extreme difficulties, is beyond example. I have not been wanting to do all that was possible for me in order to his being supported.

“ I ought to take notice to you, that the king of Prussia's troops have been very useful to this end. Your approbation of that treaty last session, and the encouragement you gave upon it, leave me no doubt of being able to renew it for another year.

“ I take this occasion to assure you, that not only whatever shall be granted by parliament for bearing the charge of the war, shall be laid out for that purpose with the greatest faithfulness and management; but that I will continue to add, out of my own revenue, all I can reasonably spare, beyond the necessary expences for the honour of the government.

My

1705.

“ My lords and gentlemen,

“ By an act of parliament passed the last winter, I was
 “ enabled to appoint commissioners for this kingdom, to
 “ treat with commissioners to be empowered by authority
 “ of parliament in Scotland, concerning a nearer and more
 “ complete union between the two kingdoms, as soon as
 “ an act should be made there for that purpose. I think
 “ it proper for me to acquaint you, that such an act is
 “ passed there ; and I intend in a short time, to cause
 “ commissions to be made out, in order to put the treaty
 “ on foot, which I heartily desire may prove successful,
 “ because I am persuaded, that an union of the two king-
 “ doms will not only prevent many inconveniences, which
 “ may otherwise happen, but must conduce to the peace
 “ and happiness of both nations ; and therefore I hope I
 “ shall have your assistance, in bringing this great work to
 “ a good conclusion.

“ There is another union I think myself obliged to re-
 “ commend to you in the most earnest and affectionate
 “ manner ; I mean an union of minds and affections a-
 “ mongst ourselves. It is that, which would, above all
 “ things, disappoint and defeat the hopes and designs of
 “ our enemies.

“ I cannot but with grief observe, there are some amongst
 “ us, who endeavour to foment animosities ; but I persuade
 “ myself, they will be found to be very few, when you ap-
 “ pear to assist me in discountenancing and defeating such
 “ practices.

“ I mention this with a little more warmth, because
 “ there have not been wanting some so very malicious, as
 “ even in print to suggest the church of England, as by law
 “ established, to be in danger at this time.

“ I am willing to hope, not one of my subjects can
 “ really entertain a doubt of my affection to the church, or
 “ so much as suspect, that it will not be my chief care
 “ to support it, and leave it secure after me ; and there-
 “ fore we may be certain, that they, who go about to
 “ insinuate things of this nature, must be mine and the
 “ kingdom’s enemies, and can only mean to cover designs,
 “ which they dare not publickly own, by endeavouring to
 “ distract us with unreasonable and groundless distrusts and
 “ jealousies.

“ I

- “ I must be so plain, as to tell you, the best proofs
 “ we can all give at present of our zeal for the preservation **1705.**
 “ of the church, will be to join heartily in prosecuting the
 “ war against the enemy, who is certainly engaged to ex-
 “ tirpate our religion, as well as to reduce this kingdom
 “ to slavery.
 “ I am fully resolved by God’s assistance to do my part.
 “ I will always affectionately support and countenance
 “ the church of England as by law established.
 “ I will inviolably maintain the toleration.
 “ I will do all I can to prevail with my subjects to lay
 “ aside their divisions, and will study to make them all safe
 “ and easy.
 “ I will endeavour to promote religion and virtue a-
 “ mongst them, and to encourage trade, and every thing
 “ else, that may make them a flourishing and happy people.
 “ And they, who shall concur zealously with me in
 “ carrying on these good designs, shall be sure of my kind-
 “ ness and favour.”

This speech which was supposed to be drawn up by the
 new lord-keeper, was received with great applause by the
 generality of the people, and the majority of both houses
 of parliament. On the 1st of November the lords attend- **The lords**
 ed the queen with an address, wherein, having taken no- **address.**
 tice of what had been delivered from the throne, they as-
 sured her, “ That they concurred in these her majesty’s
 “ wise and noble sentiments; and that no dangers should
 “ deter them, nor any artifices divert them, from doing all
 “ that was in their power, to assist her majesty in carry-
 “ ing on the war, till she should be enabled to procure
 “ such a peace for Europe, as she had mentioned in her
 “ speech. They admired in her majesty that tender and
 “ indulgent affection to her people, which she had shewn
 “ from the beginning of her reign; that earnest desire to
 “ unite them among themselves, and to make them all easy,
 “ safe and happy under her government; that steady zeal
 “ for the church of England, as by law established; and
 “ that compassion for those, who were so unhappy, as to
 “ dissent from her.” And they promised, “ to do all
 “ they could to discountenance and defeat the designs and
 “ practices of those, who fomented animosities among
 “ her people: ever to shew the utmost detestation of those
 “ ungrateful and wicked men, who laboured to dishonour
 “ her majesty’s reign, and distract her subjects with un-
 “ reason-

1705. { “reasonable and groundless jealousies of dangers to the
 “church of England; and to be ready to concur in all
 “measures requisite to put a stop to the malice of those
 “incendiaries.”

The commons addressed the queen, five days after, in much the same manner. These addresses of the two houses went on the more easily, because some kept out of the way, from whom it was expected, that they would afterwards open more copiously on the subject. The chairmen of the several committees of the house of commons were men, of whom the court was well assured.

Address of
 the Com-
 mons a-
 bout the
 union and
 succession
 in Scot-
 land.
 Pr. H. C.
 III. 446.

On the 13th of November, the commons, having taken the queen's speech into consideration, presented a second address of thanks for her great care and endeavours to settle the succession of the kingdom of Scotland in the house of Hanover, for the preservation of the peace, and promoting the union of the two kingdoms, and to assure her, they would, to the utmost of their power, assist her to bring that great work to a happy conclusion. They also desired her to direct, that the whole proceedings of the last sessions of parliament in Scotland, relating to the union and the succession, might be laid before the house. The lords had made the same request the day before, and the queen promised both houses, that the state of those matters should be laid before them.

The first thing, with which the commons generally begin, is to receive petitions against the members returned; and this gave a further discovery of the inclinations of the majority. The corruption of the nation was grown to such an height, and there was so much foul practice on all hands, that there was no doubt great cause of complaint. The first election, that was judged, was that of St. Albans, where the duchess of Marlborough had a house. She recommended admiral Killigrew to those in the town, as was done all over England by persons of quality, who had any interest in the burghers. Yet, though much foul practice was proved on the other hand, and there was not the least colour of evidence to fix any ill practice upon her, some reflected very indecently upon her. Mr. Bromley compared her to Alice Piers in king Edward III's reign, and said many other virulent things against her; for indeed she was looked upon by the whole party as the person, who had reconciled the whigs to the queen, from whom her majesty was naturally very averse. Most of the controverted elections were carried in favour of the whigs; in some few they failed, more by reason

reason of private animosities, than by the strength of the other side. 1705.

The house of commons readily voted all the supplies that were asked, and went on to provide proper funds for them. The supplies granted.

The most important debates in this session began in the house of lords, the queen being present at them all. The lord Haverham opened the motions of the tory side. On the 15th of November, when the lords went upon the state of the nation, the lord Haverham made a long speech, wherein he arraigned the duke of Marlborough's conduct, both on the Moselle and in Brabant, and reflected severely on the Dutch, which he carried so far as to say, that the war cost them nothing. He came at length to the point, which was laid to be the debate of the day, and concluded his speech with saying :

“ The last thing, my lords, is that which I take to be
“ of the greatest concernment to us all, both queen and
“ people. I love always to speak very plain, and shall do
“ so in this point.

“ My lords, I think there can be nothing more for the
“ safety of the queen, for the preservation of our constitu- Debates about the next suc-
“ tion, for the security of the church, and for the advantage cessor.
“ of us all, than if the presumptive heir to the crown, ac- Pr. H. L.
“ cording to the act of settlement in the protestant line, II. 149.
“ should be here amongst us. It is very plain, that nothing Burnet.
“ can be more for the security of any throne, than to have
“ a number of successors round about it, whose interest is
“ always to defend the possessor from any danger, and pre-
“ vent any attempt against him, and revenge any injury
“ done him. Is there any man, my lords, who doubts,
“ that if the duke of Gloucester had been now alive, her
“ majesty had not been more secure than she is? We
“ cannot think of that misfortune without the greatest grief;
“ but yet we are not to neglect our own safety. And, tho'
“ a successor be not the child of the prince, yet is he the
“ child of the queen and the people.

“ Besides, my lords, the heats and differences, which
“ are among us, make it very necessary that we should
“ have the presumptive heir residing here. The duty and
“ respect we pay her majesty, and the authority of the
“ law, can hardly keep us in peace and union amongst
“ ourselves at present. What then may we not fear, when
“ these bands shall ever happen to be broken? And would
“ it

1705.

“ it not be a great advantage to the church for the presumptive heir to be personally acquainted with the revenue of the prelates? Nay, would it not be an advantage to all England, that, whenever the successor comes over, he should not bring a flood of foreigners along with him, to eat up and devour the good of the land?”

“ I will say no more to your lordships, but conclude with this motion;

“ That an humble address be presented to her majesty, by this house, that her majesty will be graciously pleased to invite the presumptive heir to the crown of England, according to the acts of parliament made for settling the succession of the crown in the protestant line, into this kingdom, to reside here.”

The duke of Buckingham, and the earls of Rochester, Nottingham, and Anglesey, carried on the debate with great earnestness. It was urged, That they had sworn to maintain the succession, and by that were bound to insist on this motion, since there was no means so sure to maintain it, as to have the successor upon the place, ready to assume and maintain his right. It appeared through our whole history, that whoever came first into England, had always carried it. The pretending successor might be in England within three days; whereas it might be three weeks before the declared successor could come. From thence it was inferred, that the danger was apparent and dreadful, if the successor should not be brought over. If king Charles had been in Spain, when the late king died, probably that would have prevented all this war, in which we were now engaged. With these lords, by a strange reverse, all the tories joined; and by another, and as strange a reverse, all the whigs joined in opposing it. They thought that this matter was to be left wholly to the queen; that it was neither proper nor safe either for the crown or for the nation, that the heir should not be in an intire dependence on the queen: That a rivalry between the two courts might occasion great distractions, and be attended with very ill consequences: That the next successor had expressed a full satisfaction, and rested on the assurances, which the queen had given her, of her firm adherence to her title, and to the maintaining of it: That the nation was prepared for it by the orders, which the queen had given to name her in the daily prayers of the church: That great endeavours had been used to bring the Scots nation to declare the same successor: That it was true,

true, we still wanted one great security, not having yet made any provision for carrying on the government, for maintaining the public quiet, for proclaiming and sending for the successor, and for keeping things in order, till the successor should come. It seemed therefore necessary to make an effectual provision against disorders, that might happen in such an interval. This was proposed first by bishop Burnet, and seconded by the lord-treasurer; and all the whigs went into it; and then the question was put upon the other motion, as first made, by a previous division, Whether that should be put or not, and was carried in the negative by about three to one. However, some lords, who were for the affirmative, entered their protests in the following words: "We humbly conceive, that having a presumptive heir to the crown residing in the kingdom, will be a great strengthening to her majesty's royal hands, in the administration of the government, and security of her majesty's royal person, and of the succession to the crown, as by law established, in the protestant line (1)."

The queen heard the debate, and seemed amazed at the behaviour of some, who, when they had credit with her, and apprehended, that such a motion might be made by the whigs, had possessed her with deep prejudices against it; for they had made her apprehend, that, when the next successor should be brought over, she herself would be so eclipsed by it, that she would be much in the successor's power, and reign only at her or his courtesy. Yet these very persons, were prosecuting that very motion, which they had made her apprehend was the most fatal thing that could happen. This the duchess of Marlborough told bishop Burnet, but named no person; and upon it a very black suspicion was taken up by some, that the proposers of this matter knew, or at least believed, that the queen would not agree to the motion, which way soever it might be brought to her, whether in an address, or in a bill; and then they might reckon, that this would give such a jealousy, and create such a misunderstanding between her and the parliament, or rather the whole nation,

(1) This protest was subscribed by

Winchelsea,	Nottingham,	Rochester,	Conway,
Jersey,	Anglesey,	Abingdon,	Leigh,
Buckingham,	Haverham,	Howard,	

1705.

A bill for
a Regency.

Burnet.

Pr. H. L.

II. 151.

nation, as would unsettle her whole government, and put all things in disorder. But this was only a suspicion (1).

Though the invitation of the princess Sophia was rejected, yet a bill for a regency, intitled, "A bill for the better security of her majesty's person and government, and of the succession to the crown of England, was brought in."

On the 19th of November, the lord Wharton opened the debate in a manner, that charmed the whole house. He had not been present at the former debate, but he said, he was much delighted with what he had heard concerning it. He observed, that he had ever looked on the securing a protestant succession to the crown as that, which secured all our happiness. He had heard the queen recommend from the throne union and agreement to all her subjects, with a great emotion in his own mind. It was now evident, there was a divinity about her when she spoke: The cause was certainly supernatural, for we saw the miracle, that was wrought by it: Now all were for the protestant succession. It had not been always so. He rejoiced in their conversion, and confessed

(1) The duchess of Marlborough, in the account of her own conduct (p. 160) clears up this matter; she says, the earls of Rochester and Nottingham, and the other grave men of the party, had not the least hope or the least desire to carry their point; but being well assured, that the queen would never consent to such an invitation, nor pardon her ministers if they encouraged the design, this was a notable stratagem to ruin them, either with her majesty, or with the nation; for if, in compliance with her prejudices, they opposed this motion, it was to be hoped it would draw the public odium upon them, as declared enemies to the protestant succession. This hopeful scheme, however, did not succeed. The whigs opposed the invitation, and yet preserved their credit, to the great mortification of the other

party. I know, that my lord Godolphin, and other great men, were much reflected upon by some well-disposed persons, for not laying hold of this opportunity, which the Tories put in their hands, of more effectually securing the succession of the crown in the house of Hanover. But those of the whigs, whose anger against the minister was raised on this account, little knew how impracticable the project of invitation was, and that the attempt would have only served to make the queen discard her ministry, to the ruin of the common cause of these kingdoms, and of all Europe. I had often tried her majesty upon this subject, and when I found, that she would not hear of the immediate successor's coming over, had pressed her, that she would at least invite hither the young prince of Hanover, who was not to be her

felled it was a miracle. He would not, he could not, he ought not to suspect the sincerity of those, who moved for inviting the next successor; yet he could not hinder himself from remembering what had passed in the course of many years, and how men had argued, voted, and protested all that while. This confirmed his opinion, that a miracle was now wrought; and that might oblige some to shew their change by an excess of zeal, which he could not but commend, though he did not fully agree to it. After this preamble, he opened the proposition for the regency in all the branches of it: That regents should be empowered to act in the name of the successor, till he should send over orders: That besides those, whom the parliament should name, the next successor should send over a nomination sealed up, and to be opened, when that accident should happen, of persons who should act in the same capacity with those, who should be named by parliament. The motion, being thus digested, was agreed to by all the whigs, and a bill was ordered to be brought in, pursuant to these propositions. But, upon the debate

her immediate successor, and that she would let him live here as her son: But her majesty would listen to no proposal of this kind in any shape whatsoever.——It was upon this occasion, that the queen gave the first indications of any thing like a real reconciliation to the whigs.——She had been present at the debate in the house of lords upon the subject of the invitation, and had heard the duke of Buckingham treat her with great disrespect, urging as an argument for inviting over the princess Sophia, that the queen might live till she did not know what she did, and be like a child in the hands of others, and a great deal to that effect. Such rude treatment from the tories, and the zeal and success of the whigs, in opposing a motion so extremely disagreeable to her, occa-

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sioned her to write to me in the following terms:

—— ‘ I believe dear Mrs. Freeman and I shall not disagree, as we have formerly done; for I am sensible of the services those people have done me, that you have a good opinion of, and will countenance them, and am thoroughly convinced of the malice and insolence of them, that you have always been speaking against.’

And at this time it was, that the queen authorized the lord Godolphin to give the utmost assurances to the chief men of the whigs, that she would put herself and her affairs into such hands as they should approve, and would do every thing possible for the security of the protestant religion.

N

1705.

debate on the heads of the bill, it appeared, that the conversion, which the lord Wharton had so pleasantly magnified, was not so intire as he seemed to suppose. For when a security, that was real and visible, was thus offered, those, who made the other motion, flew off from it. They pretended, that it was, because they could not depart from their first motion: But they were told, that the immediate successor might indeed, during her life, continue in England, yet it was not to be supposed, that her son, the elector, could be always absent from his own dominions, and throw off all care of them, and of the concerns of the empire, in which he bore so great a share. If he should go over for ever so short a time, the accident might happen, in which it was certainly necessary to provide such an expedient as was now offered. This exposed them to much censure; but men engaged in parties are not easily put out of countenance. It was resolved, that the regents should be seven, and no more; and they were fixed by the posts they were in. The archbishop of Canterbury, the lord-chancellor, lord-keeper, lord-treasurer, lord-president, lord-privy-seal, lord-high-admiral, and the lord-chief-justice of the queen's-bench for the time being, were named for that high trust. The tories struggled hard, that the lord-treasurer should not be one, only to shew their spleen against the lord Godolphin; but their motion was rejected with scorn; for it seemed ridiculous in a time, when there might be much occasion for money, to exclude an officer from that high trust, who alone could furnish them with it, or direct them how to be furnished. The tories moved likewise, that the lord-mayor of London should be one; but that was also rejected; for the design of the act was, that the government should be carried on by those, who should be at that time in the conduct and secret of affairs, and were persons nominated by the queen; whereas the lord-mayor was chosen by the city, and had no practice in business. These regents were required to proclaim the next successor, and to give orders for the like proclamation over England and Ireland. The next successor might send a triplicate of the persons named by her or him; one of these was to be deposited with the archbishop of Canterbury, another with the lord keeper, and a third with his own minister residing at this court; upon the producing whereof, the persons nominated were to join with the regents, and to act in equality with them. The last parliament, even though dissolved, was to be immediately brought together, and impowered to

continue

continue sitting for six months; and thus things were to be kept in order, till the successor should either come in person, or send over his orders. 1705.

The tories made some opposition to every branch of the Great op-act; but, in that of the parliament's sitting, the opposition position was more remarkable. The earl of Rochester moved, That made to the parliament and the regents should be limited to pass no it. act of repeal of any part of the act of uniformity; and in his positive way said, that if this was not agreed to, he should still think the church was in danger, notwithstanding what they had heard from the throne in the beginning of the session. It was objected to this, that, if the regal power was in the regents, and if the parliament was likewise a legal one, then by the constitution the whole legislature was in them, and that could not be limited; for they could repeal any law, that limited them: But the judges were of opinion, that the power of regents might be limited; so that, as the design of moving this might be to have a new pretence to possess the clergy that there was a secret design against the church, which might break out at such a time, the lords gave way to it, though they thought it unreasonable, and proposed with no good design. The tories, upon the yielding this to them, proposed a great many more limitations; such as the restraining the regents from consenting to a repeal of the act for triennial parliaments; the acts for trials in cases of treason, and some others; and so extravagant were they in their design of making the act appear ridiculous, that they proposed as a limitation, that they should not have power to repeal the act of succession. All these were rejected with scorn and indignation; the lords seeing by this their error in yielding to that proposed by the earl of Rochester. The bill passed in the house of lords, but the tories protested against it:

There was not any thing in the management of the tories, Remark by which they suffered more in their reputation than by this. on the They hoped, that the motion for the invitation would have proceed- cleared them of all suspicion of inclinations towards the ing of the pretended prince of Wales, and would have reconciled the body of the nation to them, and turned them against all who tories. should oppose it. The management was so ill disguised, Burnet; that it was visible they intended only to provoke the queen by it, hoping that the provocation might go so far, that in the sequel all their designs might be brought about, thought by a method, that seemed quite contrary to them, and destructive of them.

1705. The bill lay long in the house of commons, by a secret management, that was against it. The Tories there likewise proposed, on the 14th of December, that the next successor should be brought over; which was moved by Sir Thomas Hanmer, seconded by Mr. Benson, and supported by Mr. Bromley, and others. This was opposed by the Whigs, who moved, That the chairman leave the chair; which was carried in the affirmative without dividing. The secret management was from Hanover. Some indigent persons, and others employed by the Tories, had studied to infuse jealousies of the queen and her ministers into the electress Sophia. She was then seventy-five, but had still so much vivacity, that, as she was the most knowing and the most entertaining woman of the age, so she seemed willing to change her scene, and to come and shine here in England. They prevailed with her to write a letter to the archbishop of Canterbury, intimating her readiness to come over, if the queen and parliament should desire it. This was made public by some intriguing persons in that court, and a colour was soon found to keep some Whigs from agreeing to the act. In the act, which first settled the succession, one limitation had been, that, when the crown should pass into that house, no man, who had either place or pension, should be capable of sitting in the house of commons. The clause in this bill, which impowered either the parliament, which should be current at the queen's death, or that which had last (though dissolved) to sit for six months, or till the successor should dissolve it, seemed contrary to this incapacitating clause in the former act. Great exceptions were taken to this by some zealous Whigs, who were so possessed with the notion of a self-denying bill, as necessary to preserve public liberty from the practices of a designing court, that for some weeks there was cause to fear, not only the loss of the bill, but a breach among the Whigs upon this head. Much pains were taken, and with good effect, to heal this. It was at last settled; and a great many offices were enumerated; and it was declared, that every man, who held any of these, was thereby incapacitated from sitting in the house of commons; and every member of the house, who accepted of any other office, was, upon that, excluded the house, and a new writ was to go out to those, whom he represented, to chuse again; but it was left free to them to chuse him, or any other, as they pleased. It was desired by those, who pressed this matter most, that it should take place only in the next reign. But, to remove all

A secret management in the house of commons. Burnet. Pr. H. C. III.

The act of the regency passed

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all jealousy, the ministers were content, that these clauses should take place immediately, upon the dissolution of the present parliament. And, when the house of commons sent up these self-denying clauses to the lords, they added to them a repeal of that clause in the first act of succession, by which the succeeding princes were limited to govern by the advice of the council, and by which all the privy-counsellors were to be obliged to sign their advices; which was impracticable, since it was visible, that no man would be a privy-counsellor on those terms. The lords added the repeal of this clause to the amendments sent up by the commons; and they made some alterations in the clause inserted by the commons, their lordships excluding only the commissioners of the prize-office, and all such new officers, as the court might create for the time to come. Two conferences were held about these respective amendments between the two houses; and, the report of the latter conference being made in the house of commons, on the 15th of February, it occasioned a long and warm debate. The court-party endeavoured to shew the injustice of excluding from the house such as were actually performing services to the nation; urging, that all counties and corporations of England have, by their charters, liberty to elect such, as they think best qualified to represent them in parliament; they should, in great measure, be deprived of that liberty by this exclusion of several officers, military and civil; who, by reason of the great estates they have in those corporations, seldom fail, and have more right than any others, to be chosen. And that the exclusion of those officers would very much abate the noble ardour, which several gentlemen shewed at this juncture, to serve the nation in this just and necessary war, since they could not but look upon it as a disgrace, to be made incapable of serving likewise their country in parliament. The opposite party, which chiefly consisted of the tories, with whom several of the whigs joined on this occasion, alledged, the ill use, which a bad prince might make of a parliament, in which there should be many of his creatures; such are generally all those, who have employments immediately depending on the crown. The other party, foreseeing that they should lose the question, agreed to the postponing of three of the lords amendments, having already agreed to one of them. But, three days after, being reinforced by the return of those, who, for some time, had voted on the contrary side, the lords amend-

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Com- }
plaints of }
the allies }
rejected. }
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ments were approved, with some few alterations ; to which the lords agreed on the 19th of February (1).

On the 22d of November, the lord Haversham moved, that the miscarriages of the last campaign, occasioned by the allies, might be inquired into. In the course of this debate, the errors, committed in the conduct of the war this year, were complained of ; the blame, indeed, of the miscarriage of the design on the Moselle was laid on the prince of Baden, and the errors in Brabant on the States and their deputies. But, as the party said, they could not judge of these things, nor be able to lay before the queen those advices, that might be fit for them to offer to her, unless they were made acquainted with the whole series of these affairs ;

(1) The debates in both houses about the invitation of the princess Sophia having made a great noise, Mr. Charles Gildon, a writer, well known for his share in the oracles of reason, and for his confutation of that book afterwards, either by directions from others, or out of mere zeal, handed to the press a letter from Sir Rowland Gwynne to the Right Hon. the Earl of Stamford, dated at Hanover, January 1, O. S. 1705-6, importing in substance, ' That the princess Sophia being informed, that her good intentions in the queen and nation were misrepresented, some having reported, That she might give rise to intrigues against the queen and the public, if she came thither ; she thought herself therefore obliged to declare to the lord archbishop of Canterbury and others, to whom she wrote, and also to tell the duke of Marlborough and the earl of Sunderland, when they were at Hanover, That she would always most sincerely maintain a true friendship with the queen, and also be ready to comply with the desires of the nation in whatever depended upon her, though she should hazard her person in passing the seas, if they thought it necessary towards the establishment of the protestant succession, and for the good of the kingdom. But that, in the mean time, she lived in great quiet and content there, without meddling with parties or cabals, and left it to the queen and parliament to do whatever they should think fit. That none but Jacobites can have the malice to invent and insinuate to others, That the presence of the successor was dangerous, That we had been proud to say, that the house of Hanover, the people of England, and our posterity were most obliged to the whigs, next to the king, for settling the succession of that most serene house ; and how much should we be to be blamed, if we should lose this merit, by parting with our principles, that were so well grounded upon honour and the public good, and by destroying the work of our own hands for a base and uncertain interest,

affairs; therefore they proposed, that by an address they might pray the queen to communicate to them all that she knew concerning those transactions during the last campaign; for they reckoned, that, if all particulars should be laid before them, they should find somewhat in the duke of Marlborough's conduct, on which a censure might be fixed. To this it was answered, that, if a complaint was brought against any of the queen's subjects, it would be reasonable for them to inquire into it by all proper ways; but the house of lords could not pretend to examine or to censure the conduct of the queen's allies, who were not subject to them,

nor

or for a blind obedience to those, who led others where they pleased, and yet were led themselves by their passions or imaginary prospects, of which they might yet be disappointed? For if they hoped to get into favour by such methods, they could not be long serviceable, nor preserve the favour they sought; for they would soon be cast off, when it was found, that they had lost the esteem and affection of the people by their weak or mercenary conduct. That they could not do any thing that would better please their enemies; for, while they thought to keep down the Tories by a majority, and oppose them, even in things so reasonable and just, they would raise the reputation of that party, instead of lessening it. That he was sorry for those, who suffered themselves to be imposed upon; but they who had wicked designs, might one day repent of them, for they must either plunge the nation into the greatest confusion, to make it unable to punish them, or be answerable for the dangers, into which they were like to bring it. That he could not conceive what colour any body could have for so base an insinuation, as, That the coming of the electress into England would set up two courts, that would oppose each other, for the electress declared, that she would be intirely united with the queen; and that all those, who imagined she would countenance any intrigue against her majesty, would be very much deceived in their expectations. That supposing, contrary to all appearance, that discontented ill men might impose upon the electress's good nature, and incline her to do such things as might displease the queen, what hurt could that do, since her royal highness's court could have no power in England, and must be subject to the queen's court? So that it was most absurd to make people believe, that this pretended opposition of the two courts could bring the nation into so great dangers, as those they might avoid by having the protestant heir in the kingdom. That the keeping the protestant heir at a distance must be grounded upon two suppositions equally wicked and criminal: First,

That

1705. nor could be heard to justify themselves; and it was somewhat extraordinary, if they should pass a censure, or make a complaint of them. It was one of the trusts, which was lodged with the government, to manage all treaties and alliances, so that our commerce with our allies was wholly in the crown. Allies might sometimes fail, being not able to perform what they undertook; they are subject to errors and accidents, and are sometimes ill-served. The entering into that matter was not at all proper for the house, unless it was intended to run into rash and indiscreet censures, on design to provoke the allies, and by that means to weaken, if not break the alliance. The queen would, no doubt, endeavour

‘ That the queen was against
 ‘ the electress’s coming over:
 ‘ And secondly, That her being
 ‘ in England, during the
 ‘ queen’s life, was a thing ill
 ‘ in itself. That, in short, to
 ‘ oppose the further securing of
 ‘ the protestant succession was
 ‘ to act directly for the Jacobites;
 ‘ and to hinder the successor’s
 ‘ coming into England, was to
 ‘ oppose the further securing of
 ‘ the succession.’ This letter having
 ‘ been published, and giving great
 ‘ offence to the ministry, a
 ‘ complaint was made of it, on the
 ‘ 8th of March, in the house of
 ‘ commons, who, after the reading
 ‘ of it, came to this resolution,
 ‘ That it was a scandalous,
 ‘ false, and malicious libel,
 ‘ tending to create a misunderstanding
 ‘ between her majesty and the
 ‘ princess Sophia, and highly
 ‘ reflecting upon her majesty,
 ‘ upon the princess Sophia, and
 ‘ upon the proceedings of both
 ‘ houses of parliament: That an
 ‘ address be presented to her
 ‘ majesty, that she would be
 ‘ pleased to give order for the
 ‘ discovery and prosecuting the
 ‘ author, printer, and publishers
 ‘ of the said pamphlet; and that
 ‘ the said resolutions be communi-
 ‘ cated to the lords at a conference,
 ‘ and their concurrence desired
 ‘ thereunto.’ The lords readily
 ‘ concurred with the commons;
 ‘ and, upon the two houses
 ‘ presenting the address, on the
 ‘ 12th of March, pursuant to
 ‘ the said resolutions, the queen
 ‘ told them, ‘ That nothing could
 ‘ be more acceptable to her,
 ‘ than so reasonable an instance
 ‘ of their concern to preserve
 ‘ a good understanding between
 ‘ her and the princess Sophia,
 ‘ and of their care to defeat the
 ‘ artifices of designing and
 ‘ malicious men. ‘ That she was
 ‘ fully sensible of the very ill
 ‘ designs of the paper, which
 ‘ they had so justly censured;
 ‘ and she would not fail to give
 ‘ the necessary directions for
 ‘ complying, in the most effectual
 ‘ manner, with all they desired
 ‘ in their address.’ Accordingly,
 ‘ about a year after, on the
 ‘ 4th of February, 1706-7, Mr.
 ‘ Charles Gildon was tried at
 ‘ Guild-hall, and, being found
 ‘ guilty of publishing Sir Rowland
 ‘ Gwynne’s letter to the earl
 ‘ of Stamford, was fined, on the
 ‘ 12th of May, 1707, one hundred
 ‘ pounds by the court of queen’s-
 ‘ bench. Pr. H. C. III.

1705.

endeavour to redress whatever was amiss, and that must be left to her conduct. Thus this attempt, which was chiefly levelled against the duke of Marlborough, not only failed, but it happened upon this, as upon other occasions, that it was turned against those who made it. For, on the 7th of November, the two houses attended the queen with an address, importing, "That being justly alarmed by the many artifices, which the emissaries of France had put in practice the last year, in order to raise jealousies, and create misunderstandings amongst the allies; and being apprehensive lest such malicious insinuations, if they should pass unobserved, might in time so far take place, as to abate the spirit, and slacken the zeal of the confederacy; they most humbly besought her majesty, to use all possible endeavours to preserve a good correspondence amongst all the confederates, and, in a particular manner, to maintain and cultivate a strict friendship with the States-general of the United-provinces; as also, by all proper means, to excite the whole confederacy to make early and effectual preparations, and to exert their utmost vigour in the prosecution of the war against France." This had a very good effect in Holland; for the agents of France were, at the same time, both spreading reports in England, that the Dutch were inclined to a peace; and, in Holland, that the English had unkind thoughts of them. The design was to alienate us from each other, that so both might be the better disposed to hearken to a project of peace, which, in the present state of affairs, was the most destructive thing that could be thought on; and all motions, that looked that way, gave very evident discoveries of the bad intentions of those who made them.

The queen having laid before the two houses the addresses of the Scots parliament against any progress in the treaty of union, till the act, which declared them aliens by such a way, should be repealed; the tories, upon this occasion, to make themselves popular, after they had failed in many attempts, resolved to promote this, apprehending, that the whigs, who had first moved for that act, would be for maintaining their own work; but they seemed to be much surprised, when, after they had prefaced their motions in this matter with such declarations of their intentions for the public good, that shewed they expected opposition and a debate; the whigs not only agreed to this, but carried the matter further to the other act relating to their manufacture and trade. This passed very unanimously in both houses; and,

The acts
against the
Scots re-
pealed.
Pr. H. C.
Burnet.

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and, by this means, way was made for opening a treaty, as soon as the session should come to an end. All the northern parts of England, that had been disturbed for some years with apprehensions of a war with Scotland, which would certainly be mischievous to them, whatever the end of it might prove, were much delighted with the prospect of peace and union with their neighbours (a).

The nation having been long in suspense about the success of the earl of Peterborough's expedition, when the account of it was at last brought by captain Norris in the *Britannia*, with the lord Shannon and brigadier Stanhope, the queen went to the house of peers on the 27th of November, and, the commons being sent for, she made the following speech to both houses :

My lords and gentlemen,

The
queen's
speech
about the
Spanish
affairs.
Pr. H. C.
III. 447.

“ **H**AVING newly received letters from the king of Spain and the earl of Peterborough, which contain a very particular account of our great and happy successes in Catalonia, and shewing, at the same time, the reasonableness of their being immediately supported; I look upon this to be a matter of so much consequence in itself, and so agreeable to you, that I have ordered a copy of the king of Spain's letter to myself; a letter from the Junta of the military arm of Catalonia; and another letter from the city of Vich; as also an extract of the earl of Peterborough's letter to me, to be communicated to both houses of parliament.

“ I recommend the consideration of them to you, gentlemen of the house of commons, very particularly, as the speediest way to restore the monarchy of Spain to the house of Austria. And therefore I assure myself, you will enable me to prosecute the advantages we have gained, in the most effectual manner, and to improve the opportunity, which God almighty is pleased to afford us, of putting a prosperous end to the present war.

My

(a) The commons, in the mean while, proceeded with great unanimity in voting several branches of the supply; and the question being proposed on the 22d of November, Whether it should be referred to the committee, to consider, that, in the clause for adding ten thousand

men to act in conjunction with the Dutch, it should be provided, that the Dutch be obliged to leave off trading with France? It was carried in the negative by a majority of an hundred and eighty-four against an hundred and seventeen.

My lords and gentlemen,

" I must not lose this occasion of desiring you to give as much dispatch to the matters before you, as the nature of them will allow; that so our preparations for the next year may be early, which cannot fail of being of great advantage to us."

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The commons being returned to their house, Mr. Secretary Hedges laid before them the letters mentioned in the queen's speech; and, two days after, they voted the granting of several sums, and, in particular, two hundred and fifty thousand pounds, for her majesty's proportion of the charge of prosecuting the successes already gained by king Charles III. for the recovery of the monarchy of Spain to the house of Austria.

After the act for the regency had passed, the lord Halifax remembering what the earl of Rochester had said concerning the danger the church might be in, moved, that a day might be appointed, to inquire into these dangers, about which so many tragical stories had been published of late. Accordingly, the 6th of December was appointed for this purpose, when the earl of Rochester began the debate (the queen being present) and told their lordships, " That the subject-matter of it was of so tender a nature, that it was difficult to speak to it; for her majesty had expressed herself so conclusively in her speech, that it seemed to be to contradict the queen, to speak freely: but in regard, that the ministers might be supposed to make the speeches, he desired, that what he had said might not be offensive to the queen, for whom he had all the affection and respect, that could be. He urged, that ministers might mistake, and not always act for the public good; and instanced in the ministry of Portugal, where the king was our friend, but the ministry seemed to be otherwise, insomuch that the alliance was of no benefit to us: and added, that the duke of Buckingham and archbishop Laud were heartily in the interest of king Charles I. but did many things that very much injured him. The full expressions in the queen's speech he compared to the law in king Charles the second's time, to make it treason to call the king a papist; for which very reason, he said, he always thought him so. The reasons he gave for his fear of the church's danger, arose from these three causes: first, the act of security in Scotland: secondly, the heir of the house of Hanover not being sent for over: thirdly, the not passing the occasional bill. Upon the first, he said, the presby-

The danger of the church inquired into. Burdet. Pr. H. L. II. 154.

terian

1705.

“ terian church in Scotland was fully established without a toleration. That to arm that people, was to give them a power to invade England, where they had a powerful party for their friends, who never wanted the will to destroy the church. That he thought the heir to the crown ought to be present among us, in order to be fully acquainted with us and our constitution, and thereby enabled to prevent any evil designs upon the church and state. That the occasional conformity bill was in itself so reasonable, and the church’s request in it so small, that the industry in opposing it, gave the greater ground for suspicion.”

When the earl had done, the house sat still a quarter of an hour, expecting that some body would second him; but, no other lord speaking on that side, the lord Halifax said, “ That, he having moved for the present debate, it might be expected, that he should speak to it. He said, the act of security in Scotland was a national thing, wholly foreign to church affairs. That it was passed only to prevent an immediate war, which the Scots seemed to have resolved upon. That, in case it should ever be made use of, it would be but as other wars with that nation had been in former days, wherein England was always able to defend itself, and would be sure hereafter to be more able to do it, inasmuch that the strength of England was increased much more in proportion than that of Scotland; so that, unless France, whose hands were already too full, should come into the quarrel, it would signify little: but that, by God’s blessing, things were so well compromised with the Scots, and their former heats so much abated, that there was no reason to doubt of an amicable issue of that difference. As to the house of Hanover, he said, that was a danger but of eight days standing; for he durst say, a fortnight ago, no body made the absence of the princess Sophia a danger to the church: and, as for her absence upon the queen’s demise, that was now so well provided for by the act for lords-justices, that he thought no evil could possibly happen to the church before her arrival. That he wondered the house of Hanover should be now esteemed such a security to the church, whereas, when the laws were made for the security of that succession, it was generally reckoned a hardship upon the church; urging, that a clergyman, in the company of convocation-men, had openly called the princess Sophia an unbaptized Lutheran, the truth of which he could

“ prove.

prove. As to the occasional bill, he said, that matter had been canvassed already; and it was then the opinion of that house, that it would not prove of any advantage and security to the church, but rather the contrary. That, upon the whole, there had been times in their memory, wherein the church might be said to be in danger. That king Charles II. was a Roman catholic; at least, his brother thought fit to declare it after his death; and the successor, who had the management of all affairs, was known to be such; and yet the church thought herself then secure; and those patriots, who stood up in its defence, and endeavoured to prevent the evils which might ensue from a popish successor, were discountenanced and punished. Nay (added his lordship) when that successor came to the throne, and that the church was very apparently in the greatest danger by the high-commission court, and otherwise, we were then indeed generally alarmed; but we know who sat in that court, and went large steps in the work then on foot (a). That, soon after the succession of king William to the crown, the cry of the church's danger began, and was continued all his reign, but with what ground his lordship was yet unacquainted with. That, upon her majesty's happy succession, for some time the complaint was silent; but that, when she was pleased to make some alterations in her ministry, it was immediately revived, and ever since continued: and so his lordship concluded, that the church was now in no danger."

The bishop of London (Compton) coming into the house just as these last words were delivered, immediately took up the lord Halifax; giving, for his reason of the church's being in danger, "That profaneness and irreligion were so rife among us, and the licentiousness of the press so intolerable, that a most vile book had been lately published by a clergyman in his diocese (meaning Mr. Hicckeringhill) whom he had endeavoured to punish; but that he had such subterfuges in the quirks of the law, that he could not come at him: and that sermons were preached, wherein rebellion was countenanced, and resistance to the higher powers encouraged." To this the bishop of Salisbury replied, "That his lordship ought to have been the last man to complain of that sermon (meaning Mr. Benjamin Hoadley's before the lord-mayor) for, if the doctrine

(a) The earl of Rochester was one of the ecclesiastical commissioners in king James II's time.

1705.

• Sir
Humphrey
Mackworth had
made use
of it.

“ doctrine of that sermon was not good, he did not know
 “ what defence his lordship could make for his appearing in
 “ arms at Nottingham. Then the bishop, proceeding to
 “ the question in debate, instanced in a piece of French
 “ history in the reign of Henry the third (which, he said,
 “ had been much in vogue of late in a neighbouring house*)
 “ in whose time the catholics set up the same cry of the
 “ church’s danger from the Huguenots, and forced the
 “ king to comply with them; but that, their power thereby
 “ becoming great, they turned it upon the king himself,
 “ and he found he should be thrust into a monastery, if he
 “ did not speedily crush them, and therefore stabbed the
 “ duke of Guise to the heart. To the reasons, which the
 “ noble lord, who began the debate, gave for the church’s
 “ danger, he replied, That, as to the Scots affairs, he was
 “ particularly acquainted with them, and therefore he would
 “ venture to speak with the more assurance. That the
 “ Scots Kirk being established without a toleration, was an
 “ unfair allegation; for there needed no law for toleration,
 “ where there was no law to inhibit. The Episcopalians
 “ were not forbid to worship God their own way, being
 “ only excluded from livings; and that there were at that
 “ time fourteen episcopal meeting-houses in Edinburgh, as
 “ open as the churches, and as freely resorted to; in many
 “ of which the English liturgy was used, but that in several
 “ of them the queen was not prayed for. And the bill for
 “ giving patrons liberty of conferring their benefices on
 “ clerks episcopally ordained would have passed (at least
 “ king William had allowed it) if they would have put in
 “ a clause to oblige them to take the oath to the govern-
 “ ment; but, upon offering that clause, the person, that
 “ solicited it, let it drop. That, if the lord, who had
 “ mentioned the act of security, had looked two years
 “ backwards, he might have found another law, which
 “ seemed much more to his purpose; namely, the act for
 “ confirming presbytery, 1 Annæ; but his lordship was a
 “ minister of state, when that act passed, and so perhaps
 “ advised it.” As to the argument of the Hanover family,
 “ it was not observed, that the bishop offered any thing re-
 “ markable; and, for the occasional conformity bill, he said,
 “ It had been there already sufficiently argued, and he was
 “ glad they were rid of it: but, as to what a noble prelate
 “ had advanced, he owned, that the church would always
 “ be subject to the enmity of profaneness and irreligion:
 “ that the devil would have his agents in the world, be the
 “ government

1705.

“ government never so careful ; but he hoped he might say,
 “ that irreligion and profaneness were not now at a higher
 “ pitch than usually : that he hoped quite the contrary, and
 “ thought the society set up for reformation in London, and
 “ other cities, had contributed considerably to the suppress-
 “ ing of vice. He was sure the corporation for the propa-
 “ gation of the gospel, had done a great deal towards in-
 “ structing men in religion, by giving great numbers of
 “ books in practical divinity ; by erecting libraries in country
 “ parishes ; by sending over many able divines to the foreign
 “ plantations ; erecting libraries for their use ; and setting
 “ up schools to breed up children in christian knowledge :
 “ that, to his knowledge, one thousand two hundred
 “ pounds had been expended, the year before, in books to
 “ these purposes, all collected by voluntary contribution,
 “ but, in truth, very little from those, who appeared so
 “ wonderfully zealous for the church. That the press was
 “ indeed become very licentious, and sermons were preached,
 “ wherein very strange expressions were published : that he
 “ would read some of them to their lordships ; and then
 “ taking out Tilly’s and Madder’s sermons, and having
 “ read some paragraphs, these, said he, were preached at
 “ Oxford, and these are the men picked out for public
 “ occasions.” Then the archbishop of York, standing up,
 said, That he apprehended danger from the increase of dis-
 senters, and particularly from the many academies set up by
 them ; and moved, “ That the judges might be consulted
 “ what laws were in force against such seminaries, and by
 “ what means they might be suppressed.” Hereupon the
 lord Wharton moved, “ That the judges might also be
 “ consulted, about means of suppressing schools and se-
 “ minaries held by Nonjurors, in one of which a noble
 “ lord of that house had both his sons educated.” Upon
 which the same archbishop stood up again, and said, “ He
 “ supposed he was the person meant, and therefore he must
 “ explain that matter. He owned his two sons were taught
 “ by Mr. Ellis, a sober virtuous man, and a man of letters,
 “ who had qualified himself according to law, when they
 “ were sent to him ; but, when the abjuration-oath was
 “ enjoined, it seems, he refused it ; which, as soon as he
 “ was informed of, he took his sons from him.” The lord
 Wharton, having made a reply to this, went on, and said,
 “ That, although he had been born and bred a dissenter,
 “ yet he soon conformed to the church, when he grew up,
 “ and became acquainted with its doctrine and discipline ;
 “ that

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• Buck-
ingham.
† Ro-
chester.
‡ Not-
tingham.

“ That he was now firmly resolved, by God’s blessing, al-
 “ ways to continue in that church, and would go as far in
 “ defending it as any man. Wherefore, if he were now
 “ sensible, that it was in any danger, he would heartily
 “ concur in providing remedies against it; but that, after
 “ all the cry and expectation they were screwed up to,
 “ hearing wherein those dangers consisted, it appeared just
 “ as he expected, namely, that it was only repeating the
 “ memorial, which pamphlet he had carefully read over, but
 “ could learn nothing from it, except that the d — of
 “ B —*, the e — of R —†, the e — of N — ‡, were
 “ out of place. What these B’s, R’s, and N’s meant,
 “ he could not tell: perhaps there might be some charm in
 “ it for the church’s security; but, if these letters meant
 “ some noble persons there present, he remembered very
 “ well, that some of them sat in the high-commission court,
 “ and then made no complaints of the church’s danger:
 “ but now that we had a queen, who was herself a real
 “ lover of the church, and had given such encouragement
 “ and bountiful tokens of her affection to it, we must be
 “ amused with the church’s danger. But he concluded,
 “ with being of opinion, That the church was in no dan-
 “ ger.” Then Patrick, bishop of Ely, stood up, and
 “ moved, “ That the judges might be consulted, what power
 “ the queen had in visiting the universities; complaining
 “ of the heat and passion of the gentlemen there, which
 “ they inculcated into their pupils, who brought the same
 “ fury with them to the parishes, when they came abroad,
 “ to the great disturbance of public charity. That, at the
 “ election at Cambridge, it was shameful to see an hundred
 “ or more young students encouraged in hollowing, like
 “ school-boys and porters, and crying out, No fanatics, no
 “ occasional conformity, against two worthy gentlemen who
 “ stood candidates. Adding another complaint, of the un-
 “ dutifulness of the clergy to their bishops, and the difficulty
 “ the latter had to govern them regularly.” Hough, bishop
 “ of Litchfield and Coventry, made the same complaint;
 “ spoke of the opprobrious names, which the clergy gave their
 “ bishops, and of the calumnies they laid on them, as if they
 “ were in a plot to destroy the church, and had compounded
 “ to be the last of their order; and, when the plot was ripe,
 “ to resign their bishopricks, and accept of a pension for life.
 “ He alledged, That the church was as well governed, as it
 “ had at any time been; challenged any body to charge the
 “ bishops with any omission of their duty, or any action
 “ wherein

wherein they strained their power, or injured any body; mentioned the honour he had to suffer in a good cause; and added, that he thought that might have protected his reputation from the aspersions of being an enemy to the church. Hooper, bishop of Bath and Wells, complaining of the terms of high-church and low-church, saying, "That it was an invidious distinction, tending to set us at enmity: that, by high-church, people were made to believe a man inclined to popery, or, at least, one that endeavoured to carry church-power beyond our constitution; which he thought was great injustice to the gentlemen that bore that character, who meant nothing more than to keep up the just dignity and discipline of the church: neither did he believe, that the others, called the low-church, had any designs of lowering or levelling it with presbytery, as was, on the other hand, maliciously suggested." The duke of Leeds observed, "That he apprehended the church was in danger, and that it could not be safe without the act against occasional conformity: adding, that the queen had, in a discourse with him, declared herself of that opinion." The lord Sommers recapitulated all the arguments on both sides (a), added his own judgment, and ended with

(a) Bishop Burnet gives us the substance of the debates in the following manner: On the day appointed we were all made believe, that we should hear many frightful things: but our expectations were not answered: some spoke of danger from the presbytery, that was settled in Scotland: some spoke of the absence of the next successor: some reflected on the occasional bill, that was rejected in that house: some complained of the schools of the dissenters: and others reflected on the principles that many had drank in, that were different from those formerly received, and that seemed destructive of the church.

In opposition to all this, it was said, that the church was

safer now than ever it had been: at the revolution, provision was made, that our king must be of the reformed religion, nor was this all; in the late act of succession it was enacted, that he should be of the communion of the church of England: it was not reasonable to object to the house the rejecting a bill, which was done by the majority, of whom it became not the lesser number to complain: we had all our former laws left to us, not only intire, but fortified by late additions and explanations; so that we were safer in all these, than we had been at any time formerly: the dissenters gained no new strength, they were visibly decreasing: the toleration had softened their tempers,

1705.

with a declaration, "That the nation was happy, and under a most wise and just administration, wherein the public money was justly applied, the treasury kept in a most regular method, and thereby the public credit in the highest esteem: the armies and fleets were supplied; and the success of her majesty's arms gave the nation greater honour and reputation than had ever been known; and that we had a fair prospect of bringing the war to a happy conclusion, to the immortal honour of the present age, and to the inexpressible benefit and safety of posterity. Wherefore for men to raise groundless jealousies, at this time of day, could mean no less than an intention to imbroider us at home, and to defeat all those glorious designs abroad." The debate being at length over, the question was put, Whether the church of England was in danger? which, upon a division, was carried in the negative by a majority of sixty-one voices against thirty; and then their lordships made the following vote, viz. "Resolved by the lords spiritual and temporal, that the church of England, as by law established, which was rescued from the extremest danger by king William III. of glorious memory, is now, by God's blessing, under the happy reign of her majesty, in a most safe and flourishing condition;

temper, and they concurred zealously in serving all the ends of the government: nor was there any particular complaint brought against them: they seemed quiet and content with their toleration, if they could be but secure of enjoying it: the queen was taking the most effectual means possible to deliver the clergy from the depressions of poverty, that brought them under much contempt, and denied them the necessary means and helps of study: the bishops looked after their dioceses with a care, that had not been known in the memory of man: great sums were yearly raised, by their care and zeal, for serving the plantations better than had ever yet been

done: a spirit of zeal and piety appeared in our churches, and at sacrament, beyond the example of former times. In one respect it was acknowledged the church was in danger; there was an evil spirit and a virulent temper spread among the clergy; there were many indecent sermons preached on public occasions, and those hot clergymen, who were not the most regular in their lives, had raised factions in many dioceses against their bishops: these were dangers created by those very men, who filled the nation with this outcry against imaginary ones, while their own conduct produced real and threatening dangers. Burnet, vol. II. 435.

'dition; and whoever goes about to suggest and insinuate
'that the church is in danger under her majesty's adminis-
'tration, is an enemy to the queen, the church, and
'the kingdom (a).

1705.

The

(a) However this resolution was opposed by many lords, who entered the following reasons for dissenting from it: First, Because they conceived there might be dangers to the church always impending on several accounts: That the prayers, set forth to be used on the solemn fast-days, under the head of a prayer for unity, imploring God almighty's grace, that every body may seriously lay to heart the great danger we are in by our unhappy divisions, shewed plainly, that in the opinion of the compilers of that form of prayer, and in her majesty's judgment, who commanded it to be used in all the churches and chapels throughout England and Wales, there were very many dangers.' Second, 'They conceived the church in danger from a neighbouring kingdom, which, though under her majesty's sovereignty, during her life, had not yet been induced to settle the same succession to the crown, as was established in this kingdom in the protestant line; but that, on the contrary, that succession had been abrogated by the act of security, which, with several other acts passed in that kingdom, had been judged by this house to be dangerous to the present and future peace of this kingdom.' Thirdly, 'They conceived there might be very great dangers to the church for want of a

'law to prevent any persons
'whatsoever from holding any
'offices of trust, and authority,
'both in church and state, who
'were not constantly of the
'communion of the church
'established by law; and there-
'fore, on the account of the
'unhappy divisions in point of
'religious and divine worship,
'as also on the account of the
'calamities of the age, in the
'too public and common dis-
'owning any religion at all,
'the church might be in dan-
'ger.' Fourthly, 'Though they
'had an intire confidence in her
'majesty's zeal and piety to the
'church, they durst not, in duty
'to her majesty, and the service
'of the government, condemn
'all such as might have fears, in
'relation to the preservation of
'the church and safety of the
'crown.' And, fifthly, 'being
'sincerely convinced, that these
'reasons among others men-
'tioned in the debate, were
'sufficient to justify their fears,
'they conceived, that it was
'not a proper way to prevent
'dangers, by voting there are
'none.' These reasons were
signed by the following peers,

Duke of Buckingham,
Earl of Northampton,
Earl of Caernarvon,
Earl of Weymouth,
Lord Osborn,
Earl of Denbigh,
Dr. George Hooper, bishop
of Bath and Wells,
Lord Granville,

O 2

Duke

1705. The next day, December 7, the lords sent a message to the commons, to acquaint them with their proceedings, and to desire their concurrence to their resolution in remon-
 The com- lation to the church. Whereupon the question was put
 mons con- the day following, whether they should consider of that mes-
 cur with sage in a committee, or in a full house? It being carried
 the lords. the lords. Pr. H. C. for the latter by a majority of two hundred and twenty-
 two voices against one hundred and sixty-one, Mr. Bromley
 opened the debate with a speech, wherein he endeavoured
 to prove the church to be in danger, by the same arguments
 that had been insisted on in the house of peers, such as,
 "The power of the presbyterians in Scotland, where the
 "church of England was not so much as tolerated: The
 "absence of the next protestant successor, in case of the
 "queen's demise: The want of an act against occasional
 "conformity: The increase of presbyterian schools and
 "seminaries: Profaneness, immorality, and irreligion: And
 "the act of security passed in Scotland: To which he
 "added another, viz. the abuse and ill dispensation of
 "her majesty's late bounty to the clergy." Sir John
 Packington, who spoke on the same side, urged the licen-
 tiousness of the press and the great number of libels, which
 were daily published against the church; the increase
 of presbyterian conventicles; and the lords resolution itself,
 which was the subject matter of their debate, as proofs of
 the church's being in danger; adding, "That, if the com-
 "mons agreed to that resolve, the same would, in some
 "measure, have the force of an act of parliament, which
 "would be a dangerous weapon in the hands of ill mini-
 "sters of state, who thereby might awe people into silence,
 "in

Duke of Beaufort,
 Earl of Winchelsea,
 Earl of Nottingham,
 Lord North and Grey,
 Earl of Anglesea,
 Lord Craven,
 Lord Chandos,
 Lord Guernsey,
 Earl of Thanet,
 Earl of Scarisdale,
 Earl of Rochester,
 Lord Conway,
 Lord Howard of Esrick,
 Henry, bishop of London,
 Duke of Leeds,
 Lord Guildford,

Earl of Abingdon.
 Lord Havertham.

The lord Havertham protest-
 ed only for the first, second,
 and fourth reasons. The arch-
 bishop of York, the bishop of
 St. Asaph, the earl of Suffolk,
 and the lord Leigh were of the
 thirty, who voted against the
 resolution, but did not enter
 their protest; and the arch-
 bishop of York and the bishop
 of Rochester protested after-
 wards.

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in case the fancy should take them to suppress episcopacy." The opposite party answered these arguments, and, after a long debate, the lords resolution was agreed to by a majority of two hundred and twelve against a hundred and sixty; and on the 14th of December, the commons agreed likewise with the lords in an address to the queen, containing the resolution relating to the church, beseeching her withal, to take effectual measures for making the resolution public; and also for punishing the authors and spreaders of the seditious and scandalous reports of the church being in danger." The queen answered, "That she should freely comply with their address, and was very well pleased to find both houses so forward to join with her in putting a stop to these malicious reports." And, according to the desire of both houses, the queen, on the 20th of December, ordered a proclamation to be issued out for making their resolution public; and "for discovering the author of the memorial of the church of England, and apprehending David Edwards, a professed papist, charged upon oath to be the printer and publisher of that libel (a)."

The queen came, the next day, to the house of peers, and among other bills gave the royal assent to an act for the naturalization of the most excellent princess Sophia, electress and duchess dowager of Hanover, and the issue of her body; which done, she made a speech to both houses, wherein she took notice of the unanimity of their proceedings, and of the good disposition they had shewn towards a union with Scotland; and returned the commons thanks for the great dispatch of this seasonable supply, not doubting but, after the recess, they would return with the same good dispositions to give all possible dispatch to the public affairs still depending. The commons, having resolved to present

(a) In the debates of this session some severe remarks were made on the men in power. December 19, the rectory-bill, ingrossed from the lords, intitled, An act for the better security of her majesty's person and government. and of the succession to the crown of England in the protestant line, being read a second time; a debate rose thereupon, wherein Charles Cæsar Esq; member for the borough of Hertford, said, among other things, 'That there was a noble lord, without whose advice the queen did nothing, who, in the late reign, was known to keep a constant correspondence with the court of St. Germans. This being a severe reflection

1705. present an address of thanks for this speech, adjourned themselves to the 7th of January following.

1705-6. As soon as the commons met again (a), Mr. secretary Hedges acquainted the house, "That her majesty, in pursuance of the address of both houses, had put out a proclamation, in which was an encouragement for the discovery of the author of the Memorial of the church of England, &c. The printer of which book being now in custody, and other persons examined, in whose depositions there appeared the names of some members of this house; her majesty's tenderness for any thing, which had the appearance of the privileges of this house, had inclined her to command him to acquaint this house, before she directed any further proceedings in that examination." Upon this the commons resolved, "that an address of thanks be presented to her majesty, for her tender regard to the privileges of this house; and to desire that she would be pleased to give order for the further examination into the authors of the libel mentioned in her message." Which address being presented, the queen answered, "That she was glad to find this house express so much resentment against the libel mentioned in her message, and took very kindly the confidence the house reposed in her, which she would make the best use of for the advantage of the public.

It is to be observed, that, on the 15th of January, David Edwards, printer of the Memorial, who had a long time absconded, and was left without any support by the party that employed him, was, by his own consent, taken into custody of a state-messenger, upon promise in writing from Mr. secretary Harley, "That he should have his pardon, provided he discovered the author or authors of that pamphlet." Three days after, being examined before the same secretary, he pretended he could fix it upon three gentlemen, members

on the lord-treasurer, the words were directed to be set down in writing at the table, upon which Mr. Caesar endeavoured to excuse himself; and being withdrawn, after a short debate, it was resolved, "That the said words were highly dishonourable to her majesty's person and government; and that the said Charles Caesar, Esq;

be, for his said offence, committed prisoner to the tower."

(a) The first thing the commons did after that meeting, was to thank the duke of Marlborough for his great services to the queen and nation in the last campaign, and for his prudent negotiations with her allies.

1705-6.

members of the house of commons, Mr. Pooley, Mr. Ward, and sir Humphrey Mackworth; and related, that a woman in a mask, with another barefaced, brought the manuscript to him, and made a bargain with him to have two hundred and fifty printed copies of it, which he delivered to four porters, sent to him by the persons concerned. But though the woman, who came to Edwards's without a mask, and some of the porters, were found out, and taken up, yet it was impossible to carry on the discovery any farther; which gave occasion to a member of the house of commons, Mr. Pooley, to say, "That it was not usual to accuse members of their house of being concerned in any thing to the prejudice of the government, without naming their names."

After this, the commons proceeded in creating funds for the supplies, which they had voted for the next year. And the nation was so well satisfied with the government, and the conduct of affairs, that, a fund being created for two millions and a half by way of annuities for ninety-nine years, at six and a half per cent, at the end of which the capital was to sink, the whole sum was subscribed in a very few days. At the same time, the duke of Marlborough proposed the advance of a sum of five hundred thousand pounds to the emperor, for the use of prince Eugene, and the service of Italy, upon a branch of the emperor's revenue in Silesia at eight per cent, and the capital to be repaid in eight years. The nation so abounded both in money and zeal, that this was likewise advanced in a very few days. Our armies, as well as our allies, were every where punctually paid. The credit of the nation was never raised so high in any age, nor so sacredly maintained. The treasury was as exact and as regular in all payments, as any private banker could be. It is true, a great deal of money went out of the kingdom in specie. That, which maintained the war in Spain, was to be sent thither in that manner, the way by bills of exchange not being yet opened. The trade with Spain and the West-Indies, which formerly brought great returns of money, was now stopped. By this means, there grew to be a sensible want of money over the nation. This was in a great measure supplied by the currency of exchequer bills and bank notes. And this lay so obvious to the disaffected party, that they were often attempting to blast, at least to disparage this paper-credit: But it was still kept up. It raised a just indignation in all, who had a true love to their country, to see some using all possible methods to shake the administration, which,

1705-6. which, notwithstanding the difficulties at home and abroad, was much the best, that had been in the memory of man, and was certainly not only easy to the subjects in general, but gentle even towards those, who were endeavouring to undermine it.

Com-
plaints of
the pro-
gress of
popery.
Pr. H. C.
III. 455.
Burnet.

On the 27th of February, a petition of the gentry and clergy of the south parts of Lancashire, at their monthly meeting, on the 12th, in the borough of Wigan, for suppressing profaneness and immorality, was presented to the house, complaining of several grievances they laboured under from the priests, Romish gentry, and popish emissaries, and praying for redress and relief. After the reading of this petition it was unanimously resolved to address the queen, "that she would be pleased to issue out her royal proclamation for the putting in execution the laws in force against all such persons, as had or should endeavour to pervert her majesty's subjects to the popish religion." And they ordered, that a bill be brought in for making more effectual the act of the eleventh year of his late majesty's reign, for the further preventing the growth of popery. This bill was accordingly presented the next day, by sir James Montague, and read the first time; and, on the 1st of March, the commons gave it a second reading, and went through it in a grand committee. By the act, passed in the latter end of the late reign it was provided, "That all papists should, within six months, after they had reached the age of eighteen, take the oaths of allegiance and supremacy, or declare themselves protestants; in default whereof, their estates were to go to the next heirs, being protestants." Now this clause was so lamely expressed, that the Roman catholics found two ways to evade it. First, there being in all families a gradation of age among the several heirs to the same estates, it happened, that though the person, who was come to the age of eighteen, did not take the oaths prescribed by the law, yet the title of protestant heir remained undecided, as long as any next popish heir was under age. Secondly, (and this was the main inconvenience) it lying by that clause upon the next heir to him, who at the age of eighteen refused to declare himself a protestant, to prove that he had not made that declaration, it was impossible for the next heir to prove such a negative. Now, to make that clause binding and effectual, it was enacted in this bill, "That all papists, and reputed papists, should, within six months after they had reached the

“ age of eighteen, not only declare themselves protestants, 1705-6.
 “ but prove also, that they had made such a declaration.” }

This alarmed all of that religion, so that they made very powerful (or to follow the raillery of that time) weighty intercessions with the considerable men of the house of commons. The court looked on, and seemed indifferent in the matter; yet it was given out, that so severe a law would be very unreasonable, when the nation was in alliance with so many princes of that religion; and that it must lessen the force of the queen's intercession in favour of the protestants, who lived in the dominions of those princes.

The proceeding seeming rigorous, and not suited to the gentleness which the christian religion so particularly recommended, and was contrary to the maxims of liberty of conscience and toleration, that were then in great vogue; it was answered, that the dependence of those of that religion on a foreign jurisdiction, and at present on a foreign pretender to the crown, put them out of the case of other subjects who might differ from the established religion, since there seemed to be good reason to consider them as enemies rather than as subjects. But the application was made in so effectual a manner, that the bill was let fall; for on the 2d of March, when sir James Montague was to report to the house the amendments made to the bill by the grand committee, the duke of Norfolk, the chief among the Roman-catholics in England, petitioned, “ That he “ might be heard by his council for explanation of some “ words in the bill, and for such relief to him, as to the “ house should seem meet.” Upon the reading of this petition, the commons ordered, that the duke of Norfolk be heard by his council, as to the property in the office of earl marshal of England only. But his council not being then ready, the house heard sir James Montague's report, and then ordered the bill, with the amendments, to be ingrossed. Two days after, the bill was read the third time, and several other amendments were made to it; after which the question was put, That the bill do pass? This occasioned a great debate, wherein colonel Godfrey, Mr. Boscawen, and Mr. Apsil endeavoured to shew the injustice of such a law, urging, that, besides the offence it would give to the Roman-catholic princes in alliance with the nation, it would look as if they approved the persecution exercised by the French king and other catholic princes against their protestant subjects. At last the bill was rejected by a majority of one hundred and nineteen against forty-three.

1705-6: three. And, though the lords had made some steps towards such a bill, yet since they saw what fate it was like to have in the house of commons, instead of proceeding further in it, they dismissed that matter with an address to the queen, on the 14th of March, "That a more watchful eye should be had over the British priests and papists for the future; and, for that purpose, that a distinct and particular account should be taken of all papists and reputed papists in the kingdom, with their respective qualities, estates, and places of abode; and that the several accounts of these inquiries be laid before their house at the next session of parliament." To this address the queen answered, "That she was fully convinced, that the insolent behaviour of the papists had made what their lordships advised necessary to be done for the safety of her person and government, and the welfare of her people; and that she would give the necessary orders for every thing their lordships desired," But whatever orders were given they were very negligently executed (a).

There

(a) On the 2d of March, the lords read a petition of Joseph Boone, merchant, in behalf of himself and many other inhabitants of the province of Carolina, and London merchants trading thither: Upon which, the lord Granville, palatine of the province of Carolina, having desired to be heard by his council, the same was granted, and the farther debate of this affair put off till the 9th of that month. Their lordships having then heard what the lord Granville's council had to offer in his behalf, came to these two resolutions: First, That it is the opinion of this house, that the act of the assembly of Carolina lately passed there, and since signed and sealed by John lord Granville, palatine, for himself and for the lord Carteret, and the lord Craven, and by sir John Colleton, four of the

proprietors of that province, in order to the ratifying of an act, intitled, An act for the establishment of religious worship in this province, according to the church of England, and for the erecting of churches for the public worship of God, and also for the maintenance of ministers, and the building convenient houses for them, so far forth as the same relates to the establishing a commission for the displacing the rectors or ministers of the churches there, is not warranted by the charter granted to the proprietors of that colony, as being not consonant to reason, repugnant to the laws of this realm, and destructive to the constitution of the church of England. Secondly, That it is the opinion of this house, that the act of assembly in Carolina, intitled, An act for the more effectual

There was a project set on foot at this time by the lord Halifax, for putting the records and public offices of the kingdom in better order. He had, in a former session, moved the lords to send some of their number to view the records in the Tower, which were in great disorder, and in a visible decay, for want of some more officers, and by the neglect of those employed. The lords, in their report, proposed some regulations for the future, which have been since followed so effectually (tho' at a considerable charge, by creating several new officers) that the nation has reaped the benefit of all this very sensibly. But lord Halifax carried this project much farther. The famous library, collected by sir Robert Cotton, and continued down in his family, was perhaps the greatest collection of manuscripts relating to the public, that any nation in Europe could shew. The late owner of it, sir John Cotton, had by his will left it to the public, but in such words, that it was rather shut up, than made any way useful; and, indeed, it was to be so carefully preserved, that none could be the better for it. Lord Halifax therefore moved the house to intreat the queen, that

1705-6.
A design
for a public library.
Burnet.

‘ tual preservation of the go-
‘ vernment of this province, by
‘ requiring all persons that shall
‘ hereafter be chosen members
‘ of the commons house of as-
‘ sembly, and sit in the same,
‘ to take the oaths, and sub-
‘ scribe the declaration appoint-
‘ ed by this act, and to con-
‘ form to the religious worship
‘ in this province, according to
‘ the church of England, to re-
‘ ceive the sacrament of the
‘ Lord's-supper, according to
‘ the rites and usage of the
‘ said church, lately passed
‘ there, and signed and sealed
‘ by John lord Granville, pala-
‘ tine, for himself and the lord
‘ Craven, and also for the lord
‘ Carteret, and by sir John Col-
‘ leton, four of the proprietors
‘ of that province, in order to
‘ the ratifying of it, is founded
‘ upon falsity in matter of fact,
‘ is repugnant to the laws of

‘ England, contrary to the char-
‘ ter granted to the proprietors
‘ of that colony, is an encou-
‘ ragement to atheism and irre-
‘ ligious, is destructive to trade,
‘ and tends to the depopulat-
‘ ing and ruining the said pro-
‘ vince.’ These resolutions be-
‘ ing laid before the queen in an
‘ address, wherein their lordships
‘ besought her majesty to deli-
‘ ver the said province from the
‘ arbitrary oppressions, under
‘ which they lay, and to order
‘ the authors thereof to be pro-
‘ secuted according to law;’
the queen told them, ‘ That she
‘ was very sensible of what
‘ great consequence the plan-
‘ tations were to England; and
‘ she would do all in her
‘ power to relieve her subjects
‘ in Carolina, and to protect
‘ them in their just rights. P.
R. H. L. II.

1705-6. that she would be pleased to buy Cotton-house, which stood just between the two houses of parliament; since some part of that ground would furnish them with many useful rooms, and there would be enough left for building a noble structure for a library; to which, besides the Cotton library and the queen's library, the royal society, who had a very good one at Gresham college, would remove, and keep their assemblies there, as soon as it was made convenient for them. This was a great design, which that lord, who first set it on foot, seemed resolved to carry on till it was finished. Had that been done, it would have been of great advantage to the learned world, as well as an honour to the queen's reign.

A bill to regulate proceedings at law.

The lord Sommers likewise made a motion in the house of lords, to correct some of the proceedings in the common law and in chancery, which were both dilatory and very chargeable. He began the motion with some instances, that were more conspicuous and gross; and he managed the matter so, that both the lord-keeper and judges concurred with him, though it passes generally for a maxim, that judges ought rather to enlarge than contract their jurisdiction. A bill passed the house of lords, which began a reformation of proceedings at law; but, when it went through the commons, it was visible, that the interest of under-officers, clerks, and attornies, whose gains were to be lessened by this bill, was more considered, than the interest of the nation itself. Several clauses, how beneficial soever to the subject, which touched on their profit, were left out by the commons. But, what fault soever the lords might have found with these alterations, yet, to avoid all disputes with the commons, they agreed to their amendments.

There was another general complaint made of the private acts of parliament, that passed through both houses too easily, and in so great a number, that it took up a great part of the session to examine them, even in that cursory way, that was subject to many inconveniences. The fees, that were paid for these to the speakers and clerks of both houses, inclined them to favour and promote them. The lord Sommers therefore proposed a proper regulation in that matter. The lord-keeper Cowper did indeed very generously obstruct those private bills, as much as his predecessor Wright had promoted them. He did another thing of a great example: On the first day of the year, it became a custom for all those, who practised in chancery, to offer a new-year's gift to the lord, who had the great-seal. These

grew

to be so considerable, that they amounted to fifteen pounds a year. On the new-year's day of this which was his first, he signified to all those, who, according to custom, were expected to come with their presents, that he would receive none, but would break that custom.

He thought it looked like the insinuating themselves in the favour of the court; and that, if it was not bribery, came too near it, and looked too like it. This conducted not a little to the raising his character; and he made the court of chancery with impartial justice and great ability, and was very useful to the house of lords in the progress of business (1).

On the 19th of March, the queen came to the house of The parliament and having given the royal assent to seventeen public acts, prorogued.

There were also some resolutions made this session about 1705-6, which were inserted in the encouragement and increase of seamen. This was brought in, because twelve thousand sailors wanted at this time to man the fleet, and was perfected and passed in both houses in four days. The resolutions in the bill were as follows: 1. That, in order to the speedy and more commanding of her majesty's navy for the year 1706, the justices of the peace and other magistrates throughout the counties, ridings, cities, towns, and places, within the dominion of England, dominion Wales, and town of Berwick upon Tweed, be impowered and directed forthwith to make, or to be made, strict and diligent search for all such seamen or sea-faring men, as lie in the country, and are not in her majesty's service. 2. That the justices, and other civil magistrates, do take up, send, command, and convoy, or cause to be taken up, sent, conducted, and conveyed, all such seamen

or sea-faring men, to be delivered to such persons, as shall be appointed to receive the same.

3. That a penalty be inflicted upon every person, who shall presume to harbour or conceal such seamen or sea-faring men.

4. That a reward be given to every person, who shall discover and take up such seamen or sea-faring men, as aforesaid, the same to be distributed and paid to every such discoverer or person, so taking up such seamen or sea-faring men respectively, out of the money given for the service of the navy. 5.

That conduct-money be allowed for conveying and subsisting such seamen and sea-faring men, according to the present usage of the navy. 6. That, for the encouragement of the service,

every seaman, who shall be turned over from one ship to another, shall be paid his wages which shall appear to be due to him in the ship, from which he was turned over, before such ship, to which he shall be turned over, go to sea, either in money, or by a ticket, which shall entitle him to an immediate payment.

1705-6. acts, and fifty-three private ones, she made the following speech to both houses :

My lords and gentlemen,

The queen's speech at the close of the first session of her second parliament.
Pr. H. C. III. 473.

“ **B** EING now come to a close of this session, I am to return you my thanks for having brought it so speedily to a good conclusion, especially for the wise and effectual provision made to secure the protestant succession in this kingdom, and the great advances on your part, towards procuring the like settlement in the kingdom of Scotland, and a happy union of both nations.
“ I am very well pleased likewise with the steps you have made for the amendment of the law, and the better advancement of justice.
“ I must again repeat to you, gentlemen of the house of commons, that I am extremely sensible of the dispatch you have given to the public supplies. I assure you, I will be very careful, that they may be applied in the most effectual manner for our common interest.

My lords and gentlemen,

“ At the opening of this parliament, I recommended, with great earnestness, an intire union of minds and affections among all my subjects, and a sincere endeavour to avoid and extinguish all occasions of divisions and animosity. I am much pleased to find, how intirely your sentiments have agreed with mine. Your unanimity and zeal, which I have observed, with great satisfaction, throughout this whole session, against every thing, that tends towards sedition, doth so much discourage all such attempts

payment. 7. That such able-bodied landmen, who are liable to be raised for the recruiting her majesty's land-forces and marines, be raised for the service, in the like manner, and delivered to such persons, who shall be appointed to receive the same. And they ordered, that the committee, to whom the bill for the encouragement and increase of seamen, and for the better and speedier manning her majesty's fleet, and for making provision for the widows and

orphans of all such, as shall be slain or drowned in her majesty's service, and for the support of trade, was committed, have power to receive a clause or clauses pursuant to these resolutions: And that it be an instruction to the committee, that they have power to receive a clause for discharging of such seamen, and other insolvent persons, as are in prison for debt, and delivering them into her majesty's service on board the fleet.

" attempts for the future, and hath set such an example 1705-6.
 " to the whole kingdom, that, when you are returned in-
 " to your several countries, I doubt not but you will find
 " the effects of it every where; and I assure myself you will
 " make it your business and care to improve and perfect
 " that good work you have so far advanced here; and by
 " continuing to shew a just dislike of all factions and tur-
 " bulent proceedings, and resolving to discountenance the
 " encouragers of them, you will soon make the whole king-
 " dom sensible of the good effect of so prudent and happy
 " a conduct."

Then the lord-keeper prorogued the parliament to the 21st of May following.

Thus this session of parliament came to a very happy conclusion. There was in it the best harmony within Burnet. both houses, and between them, as well as with the crown; and it was the best applauded in the city of London, over the whole nation, and indeed over all Europe, of any session of those times. And when it was considered, that this was the first of the three, so that there were to be two other sessions of the same members, it gave an universal satisfaction both to the people at home, and our allies abroad, and afforded a prospect of a happy end, that would be put to this devouring war, in all probability, before the conclusion of the parliament. This gave an inexpressible satisfaction to all who loved their country and religion, and who now hoped that there was in view a good and safe peace.

With the new parliament, a new convocation also met at Proceed- St. Paul's, October 15. The latin sermon was preached by ings in Dr. Stanhope, but Dr. Binks carried it from him for prolo- Convo- cation. Burnet. This convocation was chosen as the former had been, and Calamy. the members, that were ill-affected, were still prevailed on Boyer. to come up, and to continue in an expensive, but useless attendance in town. The upper house soon agreed in an address to the queen, containing humble thanks for her affectionate care for the church of England, as established by law, from her first accession to the throne to this day. And then they added thus, by way of harmony with the two houses of parliament: "We are exceedingly grieved, that any of your subjects should be so ungrateful and unworthy, as once to suggest, that our church can be in danger, for want of such support and encouragement in your majesty's reign, as may make it flourish in your own time, and leave it secure after you. And, although it is no new thing for designing

1705-6. designing men to prostitute the venerable name of this church to the service of their own private ends, yet we think it very strange, that any should be found so extremely weak and undutiful as to be deluded by these groundless clamours, when they have been so often and so publicly confuted by your royal word and actions; and when the happy state of the church of England is so much observed and esteemed abroad, that several of the foreign churches are endeavouring to accommodate themselves to our liturgy and constitution. To insinuate that the church is in danger under these circumstances, and against all the testimonies and assurances of your royal care and protection, can proceed from nothing but prejudice, interest, and ambition. We humbly crave leave to express our just resentment of the indignity of all such suggestions, not only as false and groundless in themselves, but chiefly as they are dishonourable reflections upon your royal promises for the support of the church, and upon your princely wisdom in chusing the most proper and effectual measures to that end. We beg leave also, in a deep sense of your majesty's goodness, and an intire dependence upon your royal word, to express our great joy and satisfaction in the flourishing condition of the church under your most auspicious government. We are sure it will always be in your will to support and protect it; and that the distractions, which these groundless jealousies are intended to raise, may never put it out of your power, we promise to use our utmost endeavours to discountenance them, and, in our several stations, to defend and preserve inviolably, so far as in us lies, the doctrine, discipline, and worship of our church, as by law established; and to promote peace and unity amongst your subjects; praying earnestly for your majesty's long and prosperous reign over us; as, under the divine providence, the greatest blessing and security that either church or state can enjoy."

When this address was communicated to the lower house, they refused to join in it, but would give no reason for their refusal, and the majority carried it for drawing up one of their own. A committee was appointed, and the dean of Christ-church, at their next meeting, reported an wholly new form, which contained thanks to her majesty for her great zeal for the church, and tender affection to it, but expressed not that full satisfaction as to the safety of the church, and that indignation against such as represented her to be in danger, as appeared in that which came down from the upper house. This new address was carried up by the prolo-

orator, November 19. The archbishop made answer 1705-6
writing, that they could not receive their address, but
required them to go back to their house, and consider the
address sent down to them, and either agree to it, or bring
their exceptions against it in writing.

Some of the lower house, when they returned, were for
this: But the majority in two meetings agreed, that
notice be taken of those words in the message from the
upper house, "We cannot receive the message you have of-
fered to us," as to affirm, and effectually assert their right,
having what they offered to the upper house received by his
ace and their lordships: That it was proper for the house
their answer to say, that they conceived their lordships
refusal was an infringement of that right: That it is not a
necessary duty of the lower house to re-consider, when their
lordships require it, what they have declared to their lord-
ships they have maturely considered, and cannot join in it.
That the lower house, notwithstanding their lordships ex-
citation, expressed in their message, was still at liberty to
agree, without offering their exceptions: However, they
agreed to re-consider the address of the lords, and to lay be-
fore them the substance of the resolutions foregoing. They
so agreed, not to depart from their former resolution of not
joining with their lordships in their address; and afterwards,
not to carry up any exceptions to their lordships address;
but to signify to them, that it is the undoubted right of the
lower house to have the paper they presented received by
their lordships, and that they hoped they would be satisfied
upon perusing in: And that the lower house intirely confi-
ded in her majesty's zeal for the church of England, and
in hearty detestation of all persons, that should endeavour
to raise any jealousies concerning it. And, pursuant to these
resolutions, a paper was carried from the lower to the upper
house, on December 1.

The lower house thus refusing, either to agree to the ad-
dress, or to offer their objections, the address was let fall;
and upon that a stop was put to all further communication
between the two houses. The lower house went on in their
former practice of intermediate sessions, in which they be-
gan to enter upon business, to approve of some books, and
to censure others; and they resolved to proceed upon the
same grounds, that factious men among them had before
set up, though the falshood of their pretensions had been
evidently made to appear. On December 16, the dean of
Exeterborough protested against the irregularities of the lower
house:

1705-6. house: And particularly against the prolocutor's proroguing the house by the authority of the house itself: The pretending to a power to put the prolocutor into the chair before he is confirmed by the archbishop and bishops: The pretending to a power to give leave to their members to absent themselves, and substitute proxies: The electing an actuary in prejudice of the right of the archbishop: The late disrespectful and undutiful carriage of the house to the archbishop and bishops, in refusing their address to her majesty, without making any exceptions. This was signed by above fifty, and the whole body was but an hundred and forty-five. Some were neutral, so that very near one half broke off from the rest, and sat no more with them. The lower house would not suffer this protestation to be read, and therefore it was carried to the upper, and entered in their acts.

Whilst the lower house was deliberating how to vent their indignation against the protesters, a more sensible mortification ensued. The archbishop had prorogued them to the 1st of March; by which time the queen sent a letter to him, dated February 25, signifying her concern, that the differences in convocation were still kept up, and rather increased than abated: And that she was the more surprised, because it had been her constant care and endeavour to preserve the constitution of the church of England, as by law established, and to discountenance all divisions and innovations whatsoever: Declaring she was resolved to maintain her supremacy, and the due subordination of presbyters to bishops, as fundamental parts thereof; and that she expected, that he and his suffragans should act conformably to his and her resolution; and that, in so doing, they might be assured of the continuance of her favour and protection: And that neither of them should be wanting to any of the clergy, whilst they were true to the constitution, and dutiful to her, and their ecclesiastical superiors; and preserved such a temper as became all, but especially those who were in holy orders: And she required him to communicate this to the bishops and clergy; and, on March 1, to prorogue the convocation to such time as appeared most convenient. On that day the archbishop sent for the lower house, and read to them the queen's letter, with which they were struck, for it had been carried so secretly, that it was a surprise to them all. When they saw they were to be prorogued, they ran indecently to the door, and with some difficulty were kept in the room till the prorogation was intimated to them. They went afterwards to their own house, where, though

though prorogued, they sat still in form, as if they had been a house, but they did not venture on passing any vote. So factious were they, and so implicitly led by those, who had got an ascendent over them, that, though they had formerly submitted the matters in debate to the queen, yet now, when she declared her pleasure, they could not acquiesce in it. 1705-6.



THE
HISTORY
OF
ENGLAND.

BOOK XXIX. CHAP. III.

Account of the treaty of union between England and Scotland.—Proceedings of the commissioners.—Articles of the union.—Campaign in Flanders.—Battle of Ramillies.—Consequences of it.—Affairs of Spain and Portugal.—of Italy.—Siege and battle of Turin.—Project of a descent in France.—Account of the marquis Guiscard.—Affairs of Poland.—Proposals for a peace—they are refused.—The French apply to the Pope.—The duke of Marlborough returns to England;—his titles and honours settled on his eldest daughter, with Woodstock manor, and a 5000 l. pension.—Affairs of Scotland.—A strong party there against the union:—Addresses and tumults against it.—Death of the earl of Stair.—Manner of electing the 16 peers.—The parliament of Scotland is adjourned.

1705-6.

Account
of the
treaty of
Union be-
tween
England
and Scot-
land.
Loyer.

AN affair of the utmost consequence was now in agitation. The uniting of the two kingdoms of England and Scotland was ever thought of such importance to the wealth, strength, and tranquillity of the island of Great-Britain, that several attempts were made towards it, both before and after the union of the two crowns, in the person of king James I. of England, and VI. of Scotland; of which attempts it will not be improper to give here a summary view.

King Henry VIII. to bring the government of the island under one monarch, offered his daughter Mary to king James V. of Scotland; and, to prevent all difficulties, that might happen about the succession after his death, he proposed to make king James duke of York, and lord lieuten-
nant

1705-6

nant or deputy-governor of England, immediately upon the marriage. The king of Scotland was inclinable enough to fall in with that advantageous proposal; but the French court and the popish clergy, who equally dreaded the effects of such a conjunction, found means to prevent it. This engaged the Scots nation, against their will, in a war against England, and occasioned the defeat at Solan Moss; which brought their king to his grave, upon an apprehension, that his nobility had conspired against him.

King Edward VI. pursuing his father's design of an amicable union of the two kingdoms, proposed a match betwixt himself and queen Mary of Scotland; which had been agreed on in the Scots parliament in king Henry VIII's time; but the French and popish faction broke that agreement, and brought upon the Scots another war with England, which ended in their defeat at the battle of Pinky, near Musselburg. Notwithstanding this great victory, by which the English became possessed of most of the south of Scotland, yet king Edward and his council were so far from designing a conquest of Scotland, or the overthrowing of the constitution of that kingdom, that his uncle, the duke of Somerset, protector of the kingdom of England, published a declaration to invite the Scots to amity and equality: "We overcome in war (said that declaration) and offer peace: We win holds, and offer no conquest: We get in your land, and offer England. What can be more offered than intercourse of merchandizes, and interchange of marriages; the abolishing of all such our laws, as prohibit the same, or might be an impediment to the mutual amity? We have offered not only to leave the authority, name, title, right, or challenge of conqueror; but to receive that, which is the shame of men overcome; to leave the name of the nation, and the glory of our victory, and to take the indifferent old name of Britons; because nothing should be left on our part to be offered; nothing on your part unrefused, whereby ye might be inexcusable. What face has this of Conquest? We seek not to disinherit your queen, but to make her heirs inheritors also of England. We seek not to take from you your laws nor customs; but we seek to redress your oppression." This was a very generous proposal from a conqueror; but the popish French faction still made it ineffectual, and brought Scotland under a yoke of French tyranny; which so much incensed the Scots, that, when they set about the reformation, they destroyed the hierarchy from

1705-6. the very foundations, and reduced the ecclesiastics (who had then one third of the kingdom in their possession) to their ancient dependence upon the state, as to their maintenance and benefices.

King James I. soon after his accession to the English throne, in March 1604, moved the parliament of England for an union betwixt the two kingdoms; "That, as they were made one in the head, so among themselves they might be inseparably conjoined, and all memory of by-past divisions extinguished." The motion seemed at first to be generally well-relished by both nations, whose respective parliaments appointed their commissioners; the English forty-four in number, and the Scots thirty. They met accordingly at Westminster, and agreed upon some articles about repealing all hostile laws made either in England against Scotland, or in Scotland against England; and the mutual communication of trade and commerce; reserving the king's prerogative in the preferment of men to offices and honours in either kingdom. The king recommended the prosecution of that business to the parliament of England; but, of all the articles agreed upon by the commissioners, only that was enacted, which concerned the abolishing of hostile laws. The king was extremely grieved at this; and conceiving, that the work would more easily be effected, if begun in Scotland, called a parliament there. The estates, at the king's desire, readily allowed all the articles concluded in the treaty, with a proviso, that the same should, in like manner, be ratified in the parliament of England; otherwise, the conclusions not to have the force of a law. And it was also declared, "That, if the union should happen to take effect, the kingdom, notwithstanding, should remain an absolute and free monarchy, and the fundamental laws receive no alteration." But the English puritans being elated with the hopes they had conceived from an union of the two nations, the church-party grew jealous of them, and, inveighing against the Scots in parliament, convocation, and pulpits, defeated all endeavours to accomplish that union. They soon discovered king James's foible; and, knowing his inclinations to increase his power, they found out other employment for him, which was to advance his prerogative in Scotland, to the subversion of the liberties of that kingdom both in church and state, and concurred with him as heartily in that, as they opposed him in the union.

In

1705-6.

In the reign of king Charles I. we do not find an union have been once mentioned; for, the prejudices against the puritans still increasing, and the church-party growing powerful at court, by the promotion of bishop Laud to the see of Canterbury, an ill-timed and mistaken zeal for the church of England had so great an ascendent over that unhappy prince, as to engage him with more eagerness than his father to overturn the constitution, and endeavour a conquest of Scotland; which was one of the fatal causes of all his misfortunes.

Soon after the beginning of the civil wars, there was a league or confederacy between the two kingdoms, which continued with various interruptions for some years, till it was entirely broke in 1650; when, a war breaking out between the two nations, Scotland was reduced to the obedience of the prevailing power of the house of commons, who called themselves the parliament of England. But, though Scotland was reduced, it was thought it could not be so well cured, as by an union. Accordingly, after the battle of Worcester, the parliament appointed eight commissioners to go down to Scotland, and treat with the estates of that kingdom of an union. Twenty of thirty-two shires, and thirty-five of the then fifty-seven boroughs, agreed to the union; and in their assembly at Edinburgh, about two months after, the rest likewise concurred. Pursuant to this agreement, a bill was prepared; but, before it could be passed, the long parliament was turned out of doors by Cromwell, which put a stop to the union. In April 1653, Cromwell took the government upon him; and, in December following, signed an instrument, whereby, among other things, the counties, cities, and boroughs of England, Scotland, and Ireland, were brought under a new regulation, with respect to their representatives in parliament. By this scheme England was to have four hundred representatives, Scotland thirty, and Ireland thirty. When England was rated at seventy thousand pounds per month, Scotland was to pay six thousand pounds, and Ireland nine thousand pounds, and the share each county and borough was to pay these assessments in 1656, was settled. These assessments are supposed to be about two shillings in the pound, consequently they valued the rents of England at eight millions and four hundred thousand pounds, of Scotland at seven hundred and twenty thousand pounds, and of Ireland at one million and eighty thousand pounds; which valuations are said to have been above two-thirds of the real extended

1705-6. values. On the 12th of April 1654, Oliver published an ordinance for uniting Scotland with England. By this ordinance the powers of assemblies, conventions, and parliaments in Scotland, were taken away, with wards, servitudes, and slavish tenures (a). Thus stood the union for some years, during which, it is said, the Scots nation was never more easy, nor justice more impartially administered.

At the restoration, every thing relating to Scotland and Ireland, were put upon the same foot as before the civil wars. The ill effects whereof were soon felt in many instances, particularly by the passing and execution of several negative acts relating to trade, which not only stirred up the old, but raised many new animosities. The Scots made heavy complaints against these impositions and exclusions, but without any redress.

However, in the year 1670, the parliament of Scotland passed an act, empowering king Charles to grant a commission under the great seal of Scotland for such persons, as he should think fit to name, to treat with commissioners of England about the union; but with this proviso, That nothing they agreed upon should stand, except confirmed by the parliament of Scotland. When the commissioners met, the king sent them the five following points to be considered, as the subject-matter of the treaty: "1. The preserving to
 " either kingdom their laws, civil and ecclesiastical, intire.
 " 2. The uniting of the two kingdoms into one monarchy,
 " under his majesty, his heirs, and successors, inseparable.
 " 3. The reducing both parliaments into one. 4. The
 " stating of all privileges, as to trade and other advantages.
 " 5. The securing the conditions of the union." And it was settled, as a preliminary, that, except all was agreed on, no particular thing resolved upon should be binding. When they came to consider the matter, Sir John Nisby, one of the commissioners for Scotland, a great lawyer, and the king's advocate, urged, "That the union could not be,
 " as proposed in the second and third articles, because they
 " were destructive to the fundamental government of the
 " kingdom of Scotland, and tended to take away their
 " parliaments, which, he said, the parliament itself could
 " not do; nor were the commissioners appointed for the
 " treaty empowered to divest the electors of that power;
 " and alledged an act of parliament, (8 Jac. 6.) which de-
 " clared

(a) These were abolished in 1660, restored again in Scotland after the restoration, but wards and liveries were, in

1705-6.

" clared it treason to attempt the alteration of the constitution of parliament. He alledged farther, that king James's commission to treat was not of that nature, and that his commission ought to be the rule of the treaty; adding, that, in the union among the republics of Greece, each republic reserved their sovereignty." And the earl of Lauderdale said, "That it was the like among the United-provinces, the several kingdoms of Spain, and the thirteen cantons of Swisserland." Then, as to the constitution of the parliament, the commissioners of Scotland resolutely adhered to it, "That none of the constituent members of the parliament should be excluded from the parliament of Great-Britain; for they could not exclude any of those from whom they had their authority; but agreed, that his majesty might call together both parliaments, to consult about the public affairs of the monarchy." There were also debates among them about appeals to parliament from courts of judicature, whose sentences in Scotland are not questionable but by parliament; and that it would be an inconsistency, that one part of the monarchy should be liable to appeals before the parliament, and the other not. As to the union of both kingdoms into one monarchy, the Scots commissioners would agree to it on no other terms, but in the posterity of king James VI. in which the English made some difficulty, and thought heirs and successors sufficient. But the Scots insisted upon it, and alledged, that, by the 11th of Henry VII. an usurper, being crowned, was reputed lawful successor in England. Thus the treaty came to nothing (which lasted from the 13th of September to the 14th of November following) the commissioners, on the part of Scotland, not only insisting upon their old pretences of preserving sovereignties and independencies, but likewise, that, by their constitution, they could not so much as treat of an union, till the whole parliament, and even all their constituents, had consented. And, though at last they offered to try if they could get their countrymens consent to have the two parliaments joined, yet they would not abate one of their members upon any account whatsoever. Thus, though the first motion of a treaty came intirely from themselves, it was the Scots who broke it off. The secret motives of their so doing proceeded (as it is said) from some about the court (who at first fancied they could increase their power and influence by the union) being afterwards convinced, it would have quite another effect.

In

1705-6. In the time of king James II. there was nothing done in the union, the court being sufficiently taken up with other designs. But though, in the reign of king William and queen Mary, both nations were too much distracted among themselves, and the king and his ministers too busy about other affairs, to think in earnest of uniting the two kingdoms; yet, the same being proposed by the Scots convention of the estates, who appointed commissioners to treat upon that matter with England, king William, in his speech to both houses of parliament, on the 21st of March 1689-90, recommended to their re-consideration an union with Scotland. The parliament took little notice of this recommendation from the throne; so that no answer was returned to the Scots parliament; and that business rested till the year 1700, when the king, in his answer to the lords address against the Scots settlement at Darien, took that opportunity of putting the house of peers in mind of what he recommended to his parliament, soon after his accession to the throne: "That they would consider of an union between the two kingdoms: that his majesty was of opinion, that nothing would contribute more to the security and happiness of both; and was inclined to hope, that, after they had lived an hundred years under the same head, some happy expedient might be found for making them one people, in case a treaty were set on foot for that purpose. And therefore he very earnestly recommended that matter to the consideration of the house." Hereupon the lords framed and passed a bill for authorising certain commissioners, of the realm of England, to treat with commissioners of Scotland, for the weal of both kingdoms. But the commons refusing their concurrence to this bill, the business of the union went no further.

This great work therefore was reserved for the reign of queen Anne; for though the negotiation, which was set on foot soon after her accession to the throne, unhappily miscarried; yet it was resolved to endeavour again the union of the two kingdoms, of which many had quite despaired, And those, who entertained better hopes, thought it must have run out into a long negotiation for many years: but, beyond all mens expectation, it was begun and finished within the compass of one. According to the powers given to the queen by the parliaments of England and Scotland, on the 10th of April she appointed the commissioners on the part of England, the commissioners on the part of Scotland having been named before, on the 27th of February. Mr.

1706.

Dodington was named secretary by the English, Daniel Nairne by the Scots commissioners. The who were appointed on the English side were well

They were the most capable of managing the and the best disposed to it of any in the kingdom (a). Its commissioners were so strangely chosen, that we many concluded, that an union was not sincerely by the ministry, when they saw such a nomina-

For they were not looked on as men well-affected to

the English commis-
sioners:

lord archbishop of
bury.

Cowper, Esq; lord-
of the great-seal of

d,

lord archbishop of York.

lord Godolphin, lord-

treasurer of England.

earl of Pembroke and

comery, president of

ancil.

se of Newcastle, keeper

privy-seal.

duke of Devonshire,

lord of the household.

duke of Somerset,

of the horse.

duke of Bolton.

earl of Sunderland.

earl of Kingston.

earl of Carlisle.

earl of Orford.

viscount Townshend.

lord Wharton.

lord Grey.

lord Paulet.

lord Sommers.

lord Halifax.

lord Bath, Esq;

Cavendish, marquis of

Devon.

lord Anners, marquis of

Down.

lord Hedges, Knt. and

lord Harley, Esq; princi-

pal secretaries of state.

Henry Boyle, Esq; chancellor
and under-treasurer of the
Exchequer.

Sir John Holt, Knt. chief-justice
of the court of Queen's-
bench.

Sir Thomas Trevor, Knt. chief-
justice of the court of Com-
mon-pleas.

Sir Edward Northey, Knt. at-
torney-general.

Sir Simon Harcourt, Knt. so-
licitor-general.

Sir John Cook, Knt. doctor of
laws, advocate-general.

Stephen Waller, doctor of laws.

(b) The Scots commissioners
were:

James, earl of Seafield, lord-
chancellor of Scotland.

James, duke of Queensberry,
lord-privy-seal.

John, earl of Mar, and Hugh,
earl of Loudon, principal se-
cretaries of state.

John, earl of Sutherland, John
earl of Morton, David, earl
of Wemys, David, earl of
Leven, John, earl of Stair,
Archibald, earl of Roseberry,
David, earl of Glasgow, de-
puties of the treasury.

The lord Archibald Campbell,
brother to the duke of Ar-
gyle.

Thomas, viscount Dupplin.

The

1706. to the design, many of them having stood out in a long and firm opposition to the revolution, and to all that had been done afterwards pursuant to it (a). The nomination of these

The lord William Ross, one of the commissioners of the treasury.

Sir Hugh Dalrymple, president of the session.

Adam Cockburn, of Ormiston, lord-justice-clerk.

Sir Robert Dundas, of Armitown, and Mr. Robert Stuart, of Tillicultrie, lords of the session.

Mr. Francis Montgomery, one of the commissioners of the treasury.

Sir David Dalrymple, one of her majesty's solicitors.

Sir Alexander Ogilvie, receiver-general.

Sir Patrick Johnston, provost of Edinburgh.

Sir James Smallet, of Bonhill.

George Lockhart, of Carnwath.

William Morrison, of Preston-grange.

Alexander Grant.

William Seton, of Pitmeddon, jun.

John Clark, of Pennycook, jun.

Hugh Montgomery, late provost of Glasgow.

Daniel Stuart.

Daniel Campbell, of Arutennet.

(a) Mr. Lockart, on the other hand, assures us in his memoirs, p. 186, that all the commissioners were of the court or whig interest, except himself and the archbishop of York. ' This last, as was reported, ' says he, was named merely ' out of respect to the dignity ' of the office he bore, but ' would not be present so much

' as once to the treaty. The ' other, because, being my lord ' Wharton's nephew, they expected to carry him off; and, ' as he was surprised at his being named, so he had no inclination to the employment, ' and was at first resolved not ' to have accepted it; but his ' friends, and those of his party, believing he might be ' serviceable, by giving an account how matters were carried on, prevailed with him ' to alter his resolution. But ' he foreseeing, that several ' things would occur during the ' treaty, that were contrary to ' his principles, as the business ' of an incorporating union, ' and, in consequence thereto, ' the succession of the house of ' Hanover to the crown; he ' convened together the earls of ' Hume and Strathmore, the ' viscount of Stormont, Mr. ' Cocran of Kilmarnock, Mr. ' Fletcher of Salton, and Mr. ' Henry Maule of Kelly, who ' were the chief instruments of ' persuading him to attend the ' treaty; and wrote to the duke ' of Hamilton, who was then ' in Lancashire; and, having ' communicated to them his ' difficulties, he desired their ' advice and direction how he ' should behave, and particularly, whether or not he ' should protest and enter his ' dissent against these measures; ' being resolved to receive instructions from them, as a ' warrant for his procedure, and ' to justify his conduct. To ' whom

these was fixed on by the dukes of Queensberry and Argyle. It was said by them, that, though these objections did indeed lie against them, yet they had such an interest in Scotland, that engaging them to be cordially for the union would

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‘ whom they all unanimously
‘ returned this answer, that, if
‘ he should protest, he could
‘ not well continue longer to
‘ meet with the other commis-
‘ sioners; and, if he entered
‘ his dissent, it would render
‘ him odious to them; that they
‘ would be extremely upon the
‘ reserve, so as he would be
‘ utterly incapable to learn any
‘ thing, that might be useful
‘ afterwards in the opposing the
‘ design; whereas, if he sat
‘ quiet, and concealed his opi-
‘ nion as much as possible, they,
‘ expecting to persuade him to
‘ leave his old friends and party,
‘ would not be shy, and he
‘ might make discoveries of
‘ their designs, and thereby do
‘ a singular service to his coun-
‘ try.’

The same writer afterwards tells us, p. 191, ‘ That the
‘ treasurer of England and
‘ court-party there did not at
‘ first design the treaty of union
‘ should have gone the length
‘ it afterwards did; it being a
‘ mighty stroke to the monar-
‘ chy, and consequently to
‘ them, who advised and di-
‘ rected the queen in all mat-
‘ ters, But the treasurer, be-
‘ ing extremely blamed for al-
‘ lowing the queen to pass the
‘ Scots act of security, and
‘ concerning peace and war,
‘ into laws, knew the Tories
‘ who only waited for a proper
‘ time, designed to lay hold on
‘ this as an handle wherewithal
‘ to pull him down; and there-

‘ fore, to save himself by amu-
‘ sing the English with the hopes
‘ of an intire union, he set this
‘ treaty on foot, with a design
‘ to have spun it out so long,
‘ as he was in hazard of the
‘ attempts and malice of his
‘ enemies. But the whig-party
‘ joined most sincerely in the
‘ measure of an incorporating
‘ union.—They had somewhat
‘ in view besides the general
‘ interest and security of Eng-
‘ land, or establishing the house
‘ of Hanover on the two thrones
‘ of this island (all monarchs
‘ and race of kings being equally
‘ odious to them) their design
‘ being sooner or later to esta-
‘ blish a commonwealth, or at
‘ least to clip the wings of the
‘ royal prerogative, and to re-
‘ duce the monarch to so low
‘ an ebb, that his power should
‘ not exceed that of a Stadt-
‘ holder of Holland, or a doge
‘ of Venice. And it was plain
‘ and obvious such designs could
‘ be more easily executed, when
‘ the legislative authority of
‘ Scotland was abrogated, by
‘ reducing the representatives
‘ of the nation to a small and
‘ inconsiderable number incor-
‘ porated with a much greater,
‘ and subjecting her to the laws,
‘ regulations, and government
‘ of another kingdom, of which
‘ they had the chief direction,
‘ than if the Scots nation and
‘ parliament remained a distinct
‘ and independent people and
‘ judicature, and were merely
‘ in a capacity to assist their
‘ sovereign

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would be a great means to get it agreed to in the parliament there. The earl of Stair, who heartily concurred in the design, was thought to have an hand in this piece of policy, in which the event shewed that right measures were taken. The Scots had got among them the notion of a Federal-union, like that of the United-provinces, or the cantons of Switzerland. But the English resolved to lose no time, in the examining or discussing that project; for this reason, besides many others, that, as long as the two nations had two different parliaments, they could break the union whenever they pleased; for each nation would follow their own parliament. The design was now to settle a lasting and firm union between the kingdoms; therefore they resolved to treat only about an incorporating union, that should put an end to all distinctions, and unite all their interests: so they at last entered upon the scheme of an intire union.

Proceedings of the commissioners for the union. On Tuesday the 16th of April, the commissioners of both kingdoms met, the first time, in the council-chamber in

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Journal of the Pr.

‘ sovereign in maintaining his
‘ just rights and prerogatives
‘ in that as well as his other
‘ kingdoms. They remembered
‘ how the Scots, in the reign
‘ of king Charles II. did cast
‘ the balance, and defeat their
‘ design of secluding the duke
‘ of York from succeeding to
‘ the crown; and were resolved
‘ by this incorporating union
‘ to remove that obstacle to
‘ their future projects and de-
‘ signs. Thus, the court and
‘ whig-parties in England a-
‘ greeing (tho’ upon different
‘ topics and views at first) in
‘ the measure of a treaty of
‘ union betwixt the two king-
‘ doms, the latter prevailed to
‘ have a plurality of their own
‘ party in both commissions,
‘ particularly the Scots, who so
‘ frankly yielded to the demands
‘ of the English, and prostituted
‘ the honour, and surrendered
‘ the interest of their country,
‘ that the terms of the treaty
‘ proved so advantageous for
‘ England, and destructive to
‘ Scotland, that the treasurer
‘ and court-party could not,
‘ without giving a greater han-
‘ dle against them, than what
‘ they proposed to evade by this
‘ measure, so much as connive
‘ at, or countenance any per-
‘ son, that endeavoured to ob-
‘ struct the union’s taking effect.
‘ On the other hand, the Scots
‘ statesmen and revolutioners
‘ were so sensible of their own
‘ guilt in betraying their coun-
‘ try, and acting contrary to its
‘ interest these many years by-
‘ past, that they thought them-
‘ selves in no security from be-
‘ ing called to an account for
‘ their actions, unless they re-
‘ moved the parliament, and
‘ rendered the nation subser-
‘ vient and subject to a people,
‘ whom they had served, and
‘ from whom they looked for
‘ protection.’

in the Cock-pit near Whitehall, the place appointed for their conferences; and their commissions being opened and read by the secretaries, the lord-keeper of England, and the lord-chancellor of Scotland, made introductory speeches; after which it was agreed, that copies of the two commissions should be prepared and signed by the respective secretaries, and interchanged against the next meeting, which was put off till the Monday following.

Accordingly, on the 22d of April, they met again, and the lord-keeper delivered to the board the following preliminaries: "I. That all proposals made by either side be made in writing, and every point, when agreed, reduced into writing. II. That no points, though agreed on, and reduced into writing, be obligatory on either side, till all matters be adjusted in such a manner, as will be proper to be laid before the queen and the two parliaments for their approbation. III. That there be a committee appointed, consisting of a certain number of each commission, to revise the minutes of what passes, which are not to be inserted by the secretaries in their respective books, but by order of the said committee, having first made report thereof to the respective commissioners, and received their approbation of the same. IV. That all the proceedings of the commissioners of both kingdoms, during the treaty, be kept secret." The lord-keeper also delivered to the board the following proposal, "That the two kingdoms of England and Scotland be for ever united into one kingdom, by the name of Great-Britain: that the united kingdom of Great-Britain be represented by one and the same parliament; and that the succession to the monarchy of the united kingdom of Great-Britain, in case of failure of heirs of her majesty's body, be, according to the limitations mentioned in an act of parliament, made in England in the 12th and 13th years of the reign of the late king William, intitled, An act for the further limitation of the crown, and the better securing the rights and liberties of the subject."

After this the commissioners adjourned to the 24th of the same month, when the lord-chancellor of Scotland acquainted the board, that the commissioners of Scotland did agree to the preliminary articles proposed at the last meeting, for regulating the method of proceeding in this treaty: and then he delivered to the board the following proposals: "I. That the succession to the crown of Scotland, in case of failure of heirs of her majesty's body, should be esta-
" blished

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“ blished upon the same persons mentioned in an act of parliament made in England, in the 12th and 13th years of the reign of the late king William. 2. That the subjects of Scotland should for ever enjoy all rights and privileges, as natives of England, in England, and the dominions thereunto belonging; and reciprocally, that the subjects of England enjoy the like rights and privileges in Scotland. 3. That there be a free communication and intercourse of trade and navigation between the two kingdoms and plantations thereunto belonging, under such regulations, as, in the progress of this treaty, shall be found most for the advantage of both kingdoms. 4. That all laws and statutes in either kingdom, contrary to the terms of this union, be repealed.” The commissioners for England, after a short consultation by themselves, returned an answer, “ That they were so fully convinced, that nothing but an intire union of the two kingdoms would settle perfect and lasting friendship between them, that they therefore thought fit to decline entering into any further consideration upon the proposals now made by the commissioners for Scotland, as not tending to that end; and desired, that the commissioners for Scotland would give in their answer to the proposal delivered by the commissioners for England, in order to an intire union of both kingdoms.”

The next day the lord-chancellor, in the name of the commissioners for Scotland, delivered to the board the following answer: “ The commissioners for Scotland have considered the proposal given in to them by the commissioners for England, on Monday the 22d instant; and do agree, that the kingdoms of Scotland and England be for ever united into one kingdom, by the name of Great-Britain: that the united kingdom of Great-Britain be represented by one and the same parliament: and that the succession to the monarchy of the kingdom of Great-Britain, in case of failure of heirs of her majesty’s body, shall descend upon the most excellent princess Sophia, electress and duchess dowager of Hanover, and remain to her and the heirs of her body, being protestants, with this provision, That all the subjects of the united kingdom of Great-Britain shall have full freedom and intercourse of trade and navigation, to and from any part or place within the united kingdom, and plantations thereunto belonging; and that there be a communication of

“ all

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“all other privileges and advantages, which do or may be long to the subjects of either kingdom.”

After a private consultation the lord-keeper, in the name of the commissioners for England, delivered to the board this reply, “The commissioners for England are of opinion that the provision added by the commissioners of Scotland, to the proposal made by the commissioners for England, on the 22d instant, is a necessary consequence of an intire union; and therefore their lordships do agree to that provision, under such terms, as in the further progress of this treaty shall be found to be for the common advantage of both kingdoms.”

The same day, in pursuance of the third preliminary, a committee was appointed for revising the minutes; and there were nominated, on the part of England, the lord Grey; Mr. John Smith speaker of the house of commons, Sir Thomas Trevor, Sir John Cook, and Dr. Waller, or any three of them; and on the part of Scotland, the earl of Sutherland, the earl of Leven, the lord president of the session, the lord justice clerk, John Clark of Pennycook, or any three of them.

Four days after the commissioners met again, and the lord-keeper delivered to the board the following proposal: “That there be the same customs, excises, and all other taxes; and the same prohibitions, restrictions, and regulations of trade throughout the united kingdom of Great-Britain.” Hereupon the Scots commissioners proposed, “That a committee be appointed of an equal number of each side, to adjust the several points contained in that proposal; and desired, that the English commissioners would order the account of the taxes and other things, to be laid before the committee.”

The English commissioners having proposed to appoint a committee, to consist of eleven of each side, and of them any six to have power to proceed, and that they should be nominated the next meeting; this was readily agreed to by the Scots; and accordingly, on the 1st of May, the commissioners proceeded to the nomination of the committee. The English named the dukes of Somerset and Bolton, the earl of Sunderland, the lords Townshend, Wharton, and Sommers, the speaker of the house of commons, the marquis of Hartington, Mr. secretary Harley, Mr. Henry Boyle, and Sir Simon Harcourt. The Scots appointed the lord-chancellor, the duke of Queensberry, the earls of Sutherland, Leven, and Stair, the lord Duplin, the lord-president of the

1706. the session, the lord-justice-clerk, and Sir Patrick Johnstone: and it was agreed, that this committee should meet the next morning, and have power to adjourn themselves.

On the 21st of May, when the treaty was pretty well advanced, the queen went to the meeting, and told the commissioners, "That she was so much concerned for the union of the two kingdoms, that she could not satisfy herself without coming, before she went out of town, to see what progress they had made in the treaty, and to recommend very earnestly to them the bringing it to a happy conclusion, with as much dispatch, as the nature of it would admit; not doubting of the general satisfaction which her subjects of both kingdoms would receive, in finding them to overcome all difficulties to attain so great and public a good." When she had done speaking, the lord-keeper desired to know, if she would hear the proposals, made on either side, and the resolutions taken thereupon, read by the secretaries; which she allowed of, and then retired.

About a month after, the queen came again to their meeting, and told the commissioners, "That she was come thither once more to see what further progress they had made in the treaty, and to press a speedy conclusion of it, in regard her servants of Scotland could not, without great inconvenience, be much longer absent from that kingdom." Upon this, in the thirty-fifth meeting, on the 28th of June, the English commissioners proposed, that four commissioners of each part be appointed to draw up into form the articles of the treaty, upon the points already agreed, or which should afterwards be agreed. To which the Scots commissioners having consented, the articles were brought to perfection by the 22d of July, when the commissioners of both kingdoms signed and sealed the instruments, and ordered, that the respective secretaries of each commission should sign each other's journals of the proceedings, and afterwards enter in the journals the articles of the treaty of union.

The next day the commissioners for both kingdoms went from the Cockpit to attend the queen at St. James's, where the lord-keeper, in the name of the commissioners for England, presented to her majesty one of the signed and sealed instruments containing the articles of the union, and made the following speech:

May it please your majesty,
 "WE the commissioners appointed by your majesty, in
 "pursuance of the acts of parliament passed in your
 "king-

“ kingdom of England, to treat concerning an union of the
 “ two kingdoms with the commissioners of Scotland, do
 “ (according to our duty) humbly beg leave to present to
 “ your majesty these the effects of our continued and faith-
 “ ful endeavours to that end.

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“ They are the articles agreed upon between your com-
 “ missioners of both kingdoms, as the terms or conditions
 “ upon which the intended union is to take place, if your
 “ majesty, and the parliaments of both kingdoms, shall think
 “ fit to approve and confirm the same.

“ In these we have come to an agreement on every point
 “ we judged necessary to effect a complete and lasting uni-
 “ on; and we have endeavoured not to stir into any matter
 “ we had reason to think was not so.

“ And although we have unanimously carried this treaty
 “ thus far, purely from a conviction, that we have done
 “ therein to God, your majesty, and our countries good
 “ service; yet we are far from thinking, that what we have
 “ done, will or ought to be of any weight or authority
 “ elsewhere; but do most intirely submit these our labours
 “ to the high wisdom of your majesty and both your parlia-
 “ ments, to stand or fall by the reason, justice, and public
 “ utility, on which they are founded.

“ Your majesty’s royal presence and seasonable admoniti-
 “ ons to us, at the fittest junctures, were (we most thank-
 “ fully acknowledge) a very great encouragement and as-
 “ sistance to us in the difficulties we met with.

“ Your majesty’s glory is already perfect; and the finish-
 “ ing this work is all that is wanting, to complete as well
 “ as secure the happiness of so great a people as your subjects
 “ may now, without any arrogance, pretend to be.

“ May your majesty live, not only to give sanction to
 “ this universal blessing to all your people, but also to see,
 “ in a long and prosperous reign over us, the many imme-
 “ diate or near good effects of it. But as for that
 “ great and main consequence of it, for which your ma-
 “ jesty is making, by a most gracious and charitable fore-
 “ sight, this only effectual provision; I mean, the conti-
 “ nuance of peace and tranquillity in this island, upon a
 “ descent of the crown, instead of that bloodshed and de-
 “ struction which would probably follow upon the fatal
 “ division of it;

“ May we be so happy, as never, in our days, to experi-
 “ ment the fitness of these measures your majesty is now

1706. “taking for that end; but may late, very late, posterity only
 “in that respect reap the advantage of them.”

Then the lord chancellor of Scotland, in the name of the commissioners for that kingdom, presented also to her majesty one of the signed and sealed instruments of the articles of union, on the part of Scotland, with the following speech:

May it please your majesty,

“THE commissioners, appointed by your majesty for the
 “kingdom of Scotland to treat of an union of your
 “two kingdoms of Scotland and England, have commanded me to return your majesty their most humble and
 “dutiful acknowledgments, for the honour your majesty
 “has conferred on them, in employing them to negotiate
 “this most important affair, which is of the greatest consequence to all your majesty’s subjects.

“We have endeavoured to discharge this trust with all
 “fidelity; and are now come humbly to lay before your
 “majesty the articles and conditions of union, which we
 “have treated of, and agreed upon, and do submit them to
 “your majesty’s royal consideration.

“It is a great satisfaction to us, that what we have concluded in this matter has been done with unanimity.
 “And we must own, that the knowledge we had of your
 “majesty’s great concern for uniting your two kingdoms,
 “and the earnestness with which your majesty has been
 “most graciously pleased to recommend it, hath enabled us
 “to bring this treaty to a happy and speedy conclusion, to
 “the mutual satisfaction of the commissioners on both sides;
 “and we shall esteem it our greatest happiness, if what we
 “have prepared be acceptable to your majesty, and ratified
 “by the parliaments of both kingdoms, without which what
 “we have done can be of no authority.

“An union of the two kingdoms has been long wished
 “for, it being so necessary for establishing the lasting peace,
 “happiness, and prosperity of both nations. And though it
 “has been frequently endeavoured by your majesty’s royal
 “predecessors without the desired success; yet the glorious
 “successes, with which God has blessed your majesty’s endeavours for the happiness of your people, make us hope,
 “that this great work is reserved to be accomplished in
 “your majesty’s reign.”

After which the queen was pleased to make the following speech:

My

My lords,

" I Give you many thanks for the great pains you have
 " taken in this treaty, and am very well pleased to find
 " your endeavours and applications have brought it to so
 " good a conclusion. The particulars of it seem so reason-
 " able that I hope they will meet with approbation in the
 " parliaments of both kingdoms. I wish therefore, that my
 " servants of Scotland may lose no time in going down to
 " propose it to my subjects of that kingdom: And I shall
 " always look upon it as a particular happiness, if this union
 " (which will be so great a security and advantage to both
 " kingdoms) can be accomplished in my reign.

1076.

The same day the queen being in council, an order was made, importing, " That whosoever should be concerned in
 " any seditious discourse, or libel, or laying wagers relating
 " to the union, should be prosecuted for such their offences,
 " according to the utmost rigour of the law."

The lord Sommers had the chief hand in projecting this scheme of the union, into which all the commissioners of the English nation went very easily. The advantages, that were offered to Scotland in the whole frame of it, were so great and so visible, that nothing but the consideration of the safety, that was to be procured by it to England, could have brought the English to agree to a project, that, in every branch of it, was much more favourable to the Scots nation. The Scots were to bear less than the fortieth part of the public taxes. When four shillings in the pound were levied in England, amounting to two millions, Scotland was only to be taxed at forty eight thousand pounds, which was eight months assessment of the six thousand pounds which they had been accustomed for some years to pay, and which, they said, was all that the nation could bear. It is held a maxim; that, in the framing of a government, a proportion ought to be observed between the share in the legislature, and the burden to be borne. Yet in return of the fortieth part of the burden, the Scots were offered near the eleventh part of the legislature. For the peers of Scotland were to be represented by sixteen peers in the house of lords; and the commons, by forty-five members in the house of commons; and these were to be chosen, according to the methods to be settled in the parliament of Scotland. And since Scotland was to pay customs and excises on the same foot with England, and was to bear a share in paying much of the debt, which England had contracted during the war; three hundred

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dred and ninety-eight thousand pounds was to be raised in England, and sent into Scotland, as an equivalent for that; and this was to be applied to the recoining the money, that all might be of one denomination and standard; and to the payment of the public debts of Scotland, and repaying to their African company all their losses with interest; upon which that company was to be dissolved; and the overplus of the equivalent was to be applied to the encouragement of manufactures. Trade was to be free all over the island, and to the plantations; private rights were to be preserved; and the judicatories and laws of Scotland, were still to be continued. But all was put, for the future, under the regulation of the parliament of Great-Britain; the two nations now were to be one kingdom, under the same succession to the crown, and united in one parliament. There was no provision made in this treaty with relation to religion; for in the acts of parliament in both kingdoms, which empowered the queen to name commissioners, there was an express limitation, that they should not treat of those matters.

This was the substance of the articles of the treaty, which, when they came to be laid before the parliament of Scotland, met with great opposition, as will hereafter appear (i). It is time now to return to the operations of the war.

The

(i) As the articles of Union will be often referred to, it will be proper to insert them at large.

I. That the two kingdoms of England and Scotland shall, upon the first day of May, which shall be in the year 1707, and for ever after, be united into one kingdom, by the name of Great-Britain; and that the ensigns armorial of the said united kingdom be such as her majesty shall appoint; and the crosses of St. George and St. Andrew be conjoined in such manner as her majesty shall think fit, and used in all flags, banners, standards, and ensigns, both at sea and land.

II. That the succession to the monarchy of the united kingdom of Great-Britain, and of

the dominions thereunto belonging, after her most sacred majesty, and in default of issue of her majesty, be, remain, and continue to the most excellent princess Sophia, electress and duchess dowager of Hanover, and the heirs of her body, being protestants, upon whom the crown of England is settled, by an act of parliament made in England, in the 12th year of the reign of his late majesty king William III. intituled, An act for the further limitation of the crown, and better securing the rights and liberties of the subjects. And that all papists, and persons marrying papists, shall be excluded from, and for ever incapable to inherit, possess, or enjoy the imperial crown of Great-Britain, and the domini-

the French seemed to have laid the design of their campaign so well, that it had every where a formidable appearance. And, if the execution had answered their scheme, it might have proved as glorious, as it was, in the conclusion, of the campaign in Flanders. They reckoned the taking of Barcelona and Girona; and, by that means, they thought the war, which had been carried on in Spain and Italy, would be soon brought to an end. The prince of Orange knew they should be superior to any force the prince of Prussia could bring together, on the Upper Rhine; and he intended to have a great army in Flanders, where they knew Brodrick, Burnet.

thereunto belonging, or any other: And, in every case, the crown and government shall from time to time remain to, and be enjoyed by the person, being a protestant, who should have inherited and enjoyed the same, in case such person or person marrying a protestant was naturally dead, according to the provision for the succession of the crown of England made by another act of parliament in England, in the first year of the reign of their late majesty king William and queen Mary, intituled, An act to settle the rights and liberties of the subjects, and settling the succession of the crown. That the united kingdom of Great-Britain be represented by one and the same parliament to be styled the parliament of Great-Britain. That all the subjects of the said kingdom of Great-Britain, from and after the said day, shall have full freedom and use of trade and navigation to and from any port or place within the said united kingdom, and the dominions thereunto belonging; and that there be a declaration of all other rights, privileges, and advan-

tages, which do or may belong to the subjects of either kingdom, except where it is otherwise expressly agreed in these articles.

V. That all ships or vessels belonging to her majesty's subjects of Scotland, at the time of ratifying the treaty of union of the two kingdoms in the parliament of Scotland, though foreign built, be deemed and pass as ships of the build of Great-Britain; the owner, or where there are more owners, one or more of the owners, within twelve months, after the first of May next, making oath, that, at the time of ratifying the treaty of union in the parliament of Scotland, the same did, in whole or in part, belong to him or them, or to some other subject or subjects of Scotland, to be particularly named, with the place of their respective abodes; and that the same doth then, at the time of the said deposition, wholly belong to him or them; and that no foreigner, directly or indirectly, have any share, part, or interest therein: Which oath shall be made before the chief officer or officers of the customs in the port next to the abode of the said owner or owners: And the said

1706. knew our chief strength would be, to act as occasion or their other affairs should require. But, how well soever their schemes might seem to be laid, they all proved unsuccessful, and the events, as will be seen, happened quite contrary to all their views. The

said officer, or officers, shall be impowered to administrate the said oath; and the oath, being so administrated, shall be attested by the officer, or officers, who administrated the same: And, being registered by the said officer, or officers, shall be delivered to the master of the ship, for security of her navigation, and a duplicate thereof shall be transmitted by the said officer or officers, to the chief officer or officers of the customs in the port of Edinburgh, to be there entered in a register, and from thence to be sent to the port of London, to be there entered in the general register of all trading ships belonging to Great-Britain.

VI. That all parts of the united kingdom, for ever, from and after the union, shall have the same allowances, encouragements, and drawbacks, and be under the same prohibitions, restrictions, and regulations of trade, and liable to the customs and duties on import and export. And that the allowances, encouragements and drawbacks, prohibitions, restrictions and regulations of trade, and the customs and duties on import and export settled in England, when the union commences, shall, from and after the union, take place throughout the whole united kingdom: excepting and reserving the duties upon export and import of such particular commodities, from which any persons, the subjects of either kingdoms, are especially libe-

rated and exempted by their private rights, which, after the union, are to remain safe and intire to them in all respects as before the same. And that, from and after the union, no Scots cattle carried into England shall be liable to any other duties either on the public or private accounts, than those duties, to which the cattle of England are or shall be liable within the said kingdom: And seeing by the laws of England there are rewards granted upon the exportation of certain kinds of grain, wherein oats grinded or ungrinded are not expressed, that, from and after the union, when oats shall be sold at fifteen shillings sterling per quarter, or under, there shall be paid two shillings and six-pence sterling for every quarter of the oatmeal exported, in the term of the law, whereby, and so long as, rewards are granted for exportation of other grain; and that the beer of Scotland have the same rewards as barley: And in respect the importation of victuals into Scotland, from any place beyond sea, would prove a discouragement to tillage, therefore that the prohibition, as now in force by the law of Scotland, against importation of victuals from Ireland, or any other place beyond sea, into Scotland, do, after the union, remain in the same force as now it is, until more proper and effectual ways be provided by the parliament of Great-Britain for

duke of Marlborough arrived at the Hague the 25th of N. S. and, continuing there till the 9th of May, had conferences with the deputies of the States and theirs, upon the necessary measures to be taken for opening

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couraging the importation of the said victuals from sea.

That all parts of the kingdom be for ever, and after the union, liable to the same excises upon all ale liquors, excepting that the thirty four gallon English barrel of beer or amounting to twelve gallons present measure, sold in England by the brewer at shillings and six-pence sterling including all duties, and including duties and brewers profit, at two pence per pint, or eighth part

Scots gallon, be not, after the union, liable on account of the present excise upon any higher imposition above shillings sterling upon the said thirty-four gallons per barrel, being twelve of the present Scots gallon. And that the excise in England on all other liquors, when the union comes, take place throughout the whole united kingdom.

That, from and after the union, all foreign salt which is imported into Scotland, and charged, at the importation, with the same duties as like salt is now charged when imported into England to be levied and taken in the same manner. But, and the duties on great quantities of foreign salt im-

ported may be very heavy on the merchants importers, that therefore all foreign salt, imported into Scotland, shall be cellared and locked up under the custody of the merchants importers, and the officers employed for levying the duties upon salt; and that the merchant may have what quantities thereof his occasions require, not under a weigh, or forty bushels at a time, giving security for the duty of what quantity he receives, payable in six months. But Scotland shall, for the space of seven years from the said union, be exempted from paying in Scotland, for salt made there, the duty or excise now payable for salt made in England; but, from the expiration of the said seven years, shall be subject and liable to the same duties for salt made in Scotland, as shall be then payable for salt made in England, to be levied and secured in the same manner, and with proportionable drawbacks and allowances, as in England; with this exception, that Scotland shall, after the said seven years, remain exempted from the duty of two shillings and four-pence the bushel on home salt, imposed by an act made in England in the ninth and tenth of king William the third of England. And, if the parliament of Great-Britain shall, at or before the expiring of the said seven years, substitute any other

1706. ing the campaign. The duke, with monsieur Auverquerque, came to Maestricht on the 12th of May, and the next day they reviewed the army; and, on the 21st, the English troops joined the Dutch between Borchloen and Groes-Waren.

other fund in place of the said two shillings and four-pence of excise on the bushel of home salt, Scotland shall, after the said seven years, bear a proportion of the said fund, and have an equivalent in the terms of this treaty. And that, during the said seven years, there shall be paid in England for all salt made in Scotland, and imported from thence into England, the same duties upon the importation, as shall be payable for salt made in England, to be levied and secured in the same manner as the duties on foreign salt are to be levied and secured in England. And that, after the said seven years, as long as the said duty of two shillings and four-pence a bushel upon salt is continued in England, the said two shillings and four-pence a bushel shall be payable for all salt made in Scotland, and imported into England, to be levied and secured in the same manner; and that, during the continuance of the duty of two shillings and four-pence a bushel upon salt made in England, no salt whatsoever be brought from Scotland to England by land in any manner, under the penalty of forfeiting the salt and the cattle and carriages made use of in bringing the same, and paying twenty shillings for every bushel of such salt, and proportionably for a greater or lesser quantity, for which the carrier, as well as the owner, shall be liable, jointly and severally, and

the persons bringing or carrying the same, to be imprisoned by any one justice of the peace, by the space of six months, without bail, and until the penalty be paid. And, for establishing an equality in trade, that all flesh, exported from Scotland to England, and put on board in Scotland to be exported to parts beyond the seas, and provision for ships in Scotland, and for foreign voyages, may be salted with Scots salt, paying the same duty for what salt is so employed, as the like quantity of such salt pays in England, and under the same penalties, forfeitures, and provisions, for preventing frauds, as are mentioned in the laws of England. And that, from and after the union, the laws and acts of parliament in Scotland, for pinning, curing, and packing of herrings, white fish, and salmon, for exportation, with foreign salt only, without any mixture of British or Irish salt, and for preventing of frauds, and curing and packing of fish, be continued in force in Scotland, subject to such alterations as shall be made by the parliament of Great-Britain; and that all fish exported from Scotland to parts beyond the seas, which shall be cured with foreign salt only, and without mixture of British or Irish salt, shall have the same easies, premiums, and drawbacks, as are or shall be allowed to such persons as export the like fish from England.

And

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Waren. The confederate army then consisted of seventy-four battalions of foot, and one hundred and twenty-three squadrons of horse and dragoons, having with them an hundred cannon, twenty hawbitzers, and forty-two pontoons.

The court of France, in the mean time, had information, Designs and motions of the French, that the confederate army in the Netherlands was not yet complete; that the Danes refused to stir from their quarters, till their arrears were paid; and that the Prussians, for other reasons, were yet so far behind, that they could not join the duke of Marlborough in several weeks. It was said, that the French king had pensioners in the courts of Denmark and Prussia, who had promised him to use their utmost endeavours to retard the march of their respective masters forces (which were in the pay of England and Holland) to the general rendezvous; upon the confidence of which, the French king sent such positive orders to marshal Villeroy to fight the allies, that the elector of Bavaria, who was then at Brussels, had just time enough to take post-horses, to join the

And that, for encouragement of the herring fishing, there shall be allowed and paid to the subjects, inhabitants of Great-Britain, during the present allowances for other fishes, ten shillings and five-pence sterling for every barrel of white herrings, which shall be exported from Scotland; and that they shall be allowed five shillings sterling for every barrel of beef or pork salted with foreign salt, without mixture of British or Irish salt, and exported for sale from Scotland to parts beyond sea, alterable by the parliament of Great-Britain. And, if any matters of frauds, relating to the said duties on salt, shall hereafter appear, which are not sufficiently provided against by this article, the same shall be subject to such further provisions as shall be thought fit by the parliament of Great-Britain.

IX. That whenever the sum of one million, nine hundred, and ninety-seven thousand, seven hundred and sixty-three

pounds, eight shillings, and four-pence half-penny, shall be enacted by the parliament of Great-Britain, to be raised in that part of the united kingdom now called England, on land and other things usually charged in acts of parliament there, for granting an aid to the crown by a land-tax; that part of the united kingdom, now called Scotland, shall be charged by the same act with the further sum of forty-eight thousand pounds free of all charges, as the quota of Scotland to such tax, and so proportionably for any greater or lesser sum raised in England by any tax on land, and other things usually charged together with the land: And that such quota for Scotland, in the cases aforesaid, be raised and collected in the same manner as the cels now is in Scotland, but subject to such regulations in the manner of collecting as shall be made by the parliament of Great-Britain.

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the army, which passed the Deule the 19th of May, and posted themselves at Tirlemont, with the Gheet before them. This army, under the command of the elector of Bavaria and marshal Villeroy, consisted of seventy thousand men, and would have been superior to the confederate army without the Danes.

The

X. That during the continuance of the respective duties on stamped paper, vellum, and parchment, by the several acts now in force in England, Scotland shall not be charged with the same respective duties.

XI. That, during the continuance of the duties payable in England on windows and lights, which determines on the first day of August 1710, Scotland shall not be charged with the same duties.

XII. That, during the continuance of the duties payable in England on coals, culm, and cynders, which determines the thirtieth day of September 1710, Scotland shall not be charged therewith for coals, culm, and cynders consumed there, but shall be charged with the same duties as in England for all coals, culm, and cynders not consumed in Scotland.

XIII. That, during the continuance of the duty payable on England on malt, which determines the twenty-fourth day of June 1707, Scotland shall not be charged with that duty.

XIV. That the kingdom of Scotland be not charged with any other duties laid on by the parliament of England before the union, except these consented to in this treaty; in regard it is agreed, That all necessary provision shall be made by the parliament of Scotland for the

public charge and service of that kingdom for the year 1707. Provided nevertheless, That if the parliament of England shall think fit to lay any further impositions by way of customs, or such excises, with which, by virtue of this treaty, Scotland is to be charged equally with England; in such case Scotland shall be liable to the same customs and excises, and have an equivalent to be settled by the parliament of Great-Britain, with this further provision, That any malt to be made and consumed in that part of the united kingdom, now called Scotland, shall not be charged with any imposition on malt, during this present war. And seeing it cannot be supposed, that the parliament of Great-Britain will ever lay any sort of burdens upon the united kingdom, but what they shall find of necessity at that time for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the united kingdom; therefore it is agreed, That there be no further exemption insisted upon for any part of the united kingdom, but that the consideration of any exemptions beyond what is already agreed on in this treaty, shall be left to the determination of the parliament of Great-Britain.

XV.

the confederates, on their side, were no less eager for 1706.
engagement, but could hardly flatter themselves with
the prospect of having so early and so fair an opportunity for it. The con-
duke of Marlborough being apprehensive, that the federates
French are desirous of
engaging.

. That whereas by the
of this treaty, the subjects
land, for preserving an
ty of trade throughout
ited kingdom, will be
to several customs and
now payable in England,
will be applicable to
payment of the debts of
nd, contracted before the
; it is agreed, That Scot-
shall have an equivalent
hat the subjects thereof
e so charged towards pay-
of the said debts of Eng-
in all particulars whatso-
in manner following, viz.
before the union of the
ingdoms, the sum of three
ed ninety-eight thousand
eighty-five pounds, ten
gs, be granted to her ma-
y the parliament of Eng-
for the uses after-men-
l, being the equivalent to
nswered to Scotland for
parts of the said customs
xcises upon all exciseable
s, with which that king-
is to be charged upon the
, as will be applicable to
yment of the said debts of
nd, according to the pro-
ns which the present cus-
of Scotland, being thirty
and pounds per annum, do
to the customs in England,
uted at one million, three
red and forty-one thousand,
hundred and fifty nine
ds per annum. And which
resent excises on exciseable
rs in Scotland, being thirty
thousand and five hundred

pounds per annum, do bear to
the excises on exciseable liquors
in England, computed at nine
hundred and forty-seven thou-
sand, six hundred and two
pounds per annum ; which sum
of three hundred and ninety-
eight thousand eighty-five pounds
ten shillings, shall be due and
payable from the time of
the union. And in regard,
that, after the union, Scotland
becoming liable to the same
customs and duties payable on
import and export, and to the
same excises on all exciseable
liquors as in England, as well
upon that account, as upon the
account of the increase of trade
and people (which will be the
happy consequence of the union)
the said revenues will much im-
prove beyond the before-men-
tioned annual values thereof,
of which no present estimate
can be made : yet nevertheless,
for the reasons aforesaid, there
ought to be a proportionable
equivalent answered to Scot-
land ; it is agreed, That, after
the union, there shall be an
account kept of the said duties
arising in Scotland, to the end
it may appear what ought to
be answered to Scotland as an
equivalent for such proportion
of the said increase, as shall be
applicable to the payment of
the debts of England. And,
for the further and more effec-
tual answering the several ends
hereafter mentioned ; it is a-
greed, That, from and after
the union, the whole increase
of

1706.

French would take the same method over again, and keep behind the Deule, as they had done the year before, had several times expressed his concern about it to those who were

of the revenues of customs and duties on import and export, and excises upon exciseable liquors in Scotland, over and above the annual produce of the said respective duties as above stated, shall go and be applied for the term of seven years to the uses hereafter mentioned, and that upon the said account there shall be answered to Scotland annually, from the end of seven years after the union, an equivalent in proportion to such part of the said increase, as shall be applicable to the debts of England; and generally, that an equivalent shall be answered to Scotland for such parts of the English debts as Scotland may hereafter become liable to pay by reason of the union, other than such, for which appropriations have been made by parliament in England, of the customs or other duties on export and import, excises on all exciseable liquors: in respect of which debts, equivalents are herein before provided. And as for the uses, to which the said sum of three hundred and ninety-eight thousand and eighty-five pounds, ten shillings, to be granted as aforesaid, and all other monies, which are to be answered or allowed to Scotland as said is, are to be applied, it is agreed, That in the first place, out of the aforesaid sum, what consideration shall be found necessary to be had for any losses, which private persons may sustain, by reducing the coin of

Scotland to the standard and value of the coin of England, may be made good. In the next place, that the capital stock, or fund of the African and Indian company of Scotland, advanced together with the interest for the said capital stock after the rate of five per cent. per annum, from the respective times of the payment thereof, shall be paid: upon payment of which capital stock and interest, it is agreed, The said company be dissolved and cease; and also, that from the time of passing the act of parliament in England for raising the said sum of three hundred and ninety-eight thousand and eighty-five pounds, ten shillings, the said company shall neither trade, nor grant licence to trade, providing, That if the said stock and interest shall not be paid in twelve months after the commencement of the union, that then the said company may from thence forward trade, or give licence to trade, until the said whole capital stock and interest shall be paid. And as to the overplus of the said sum of three hundred and ninety-eight thousand and eighty-five pounds, ten shillings, after payment of what consideration shall be had for losses in repairing the coin, and paying the said capital stock and interest; and also the whole increase of the said revenues of customs, duties, and excises, above the present value, which shall arise in Scotland during the said term of seven

were intimate with him; and was already taking measures how to prevent it, when an unexpected occasion was thrown into his hands, of signalizing again his courage and conduct.

Upon

seven years, together with the equivalent, which shall become due upon the improvement thereof in Scotland, after the said term: and also as to all other sums, which, according to the agreements aforesaid, may become payable to Scotland, by way of equivalent for what that kingdom shall hereafter become liable, towards payment of the debt of England, it is agreed, That the same be applied in manner following, viz. That all the public debts of the kingdom of Scotland, as shall be adjusted by this present parliament, shall be paid: and that two thousand pounds per annum, for the space of seven years, shall be applied towards encouraging and promoting the manufacture of coarse wool within those shires, which produce the wool; and that the first two thousand pounds sterling be paid at Martinmas next, and so yearly at Martinmas during the space aforesaid. And afterwards the same shall be wholly applied towards the encouraging and promoting the fisheries, and such other manufactures and improvements in Scotland, as may most conduce to the general good of the united kingdom. And it is agreed, That her majesty may be empowered to appoint commissioners, who shall be accountable to the parliament of Great-Britain, for disposing the said sum of three hundred and ninety-eight thousand and eighty-five pounds, ten shillings and all

other monies, which shall arise to Scotland upon the agreements aforesaid, to the purposes before-mentioned: which commissioners shall be empowered to call for, receive, and dispose of the said monies in manner aforesaid; and to inspect the books of the several collectors of the said revenues, and of all other duties from whence an equivalent may arise, and that the collectors and managers of the said revenues and duties be obliged to give to the said commissioners subscribed authentic abbreviates of the produce of such revenues and duties arising in their respective districts: and that the said commissioners shall have their office within the limits of Scotland, and shall in such office keep books, containing accounts of the amount of the equivalent, and how the same shall have been disposed of from time to time, which may be inspected by any of the subjects, who shall desire the same.

XVI. That, from and after the union, the coin shall be of the same standard and value throughout the united kingdom, as now in England, and a mint shall be continued in Scotland under the same rules as the mint in England, and the present officers of the mint continued, subject to such regulations and alterations, as her majesty, her heirs or successors, or the parliament of Great-Britain shall think fit.

XVII.

1706.

Upon the enemy's passing the Deule, the duke sent orders to the Danish horſe, who were coming from their garriſons, to haſten their march; and, that there might not be the leaſt pretence of delay, he engaged his promiſe with the

XVII. That, from and after the union, the ſame weights and meaſures ſhall be uſed throughout the united kingdom, as are now eſtabliſhed in England; and ſtandards of weights and meaſures ſhall be kept by thoſe burghs in Scotland, to whom the keeping the ſtandards of weights and meaſures, now in uſe there, does of ſpecial right belong. All which ſtandards ſhall be ſent down to ſuch reſpective burghs from the ſtandards kept in the Exchequer at Weſtmiſter, ſubject nevertheless to ſuch regulations, as the parliament of Great-Britain ſhall think fit.

XVIII. That the laws concerning regulation of trade, cuſtoms, and ſuch exciſes to which Scotland is, by virtue of this treaty, to be liable, be the ſame in Scotland, from and after the union, as in England; and that all other laws in uſe within the kingdom of Scotland, do, after the union, and notwithstanding thereof, remain in the ſame force as before (except ſuch as are contrary to, or inconſiſtent with this treaty) but alterable by the parliament of Great Britain: with this difference betwixt the laws concerning public right, policy, and civil government, and thoſe which concern private right, that the laws, which concern public right, policy, and civil government, may be made the ſame throughout the whole united kingdom; but that no alte-

ration be made in laws which concern private right, except for evident utility of the ſubjects within Scotland.

XIX. That the court of ſeſſion, or college of Juſtice, do, after the union, and notwithstanding thereof, remain in all time coming within Scotland, as it is now conſtituted by the laws of that kingdom, and with the ſame authority and privileges as before the union, ſubject nevertheless to ſuch regulations, for the better adminiſtration of juſtice, as ſhall be made by the parliament of Great-Britain; and that hereafter none ſhall be named by her majeſty, or her royal ſucceſſors, to be ordinary lords of ſeſſion, but ſuch who have ſerved in the college of juſtice as advocates, or principal clerks of ſeſſion for the ſpace of five years; or as writers to the ſignet, for the ſpace of ten years; with this proviſion, That no writer to the ſignet be capable to be admitted a lord of the ſeſſion, unleſs he undergo a private and public trial on the civil law, before the faculty of advocates, and be found by them qualified for the ſaid office, two years before he be named to be a lord of ſeſſion: Yet ſo, as the qualification made, or to be made, for capacitating perſons to be named ordinary lords of ſeſſion, may be altered by the parliament of Great-Britain. And that the court of juſticiary do alſo, after the union, and, notwithstanding

deputies of the States, that their arrears should be
 1. The duke of Wirtemberg, who commanded
 ps, and was well affected to the common cause,
 seeing

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, remain in all time
 thin Scotland, as it
 stituted by the laws
 gdom, and with the
 ority and privileges
 ie union, subject ne-
 to such regulations
 made by the par-
 Great-Britain, and
 judice of other rights
 ; and that all ad-
 isdictions be under
 gh-admiral, or com-
 for the admiralty
 Britain for the time
 that the court of
 now established in
 be continued, and
 ews, reductions, or
 of the sentences in
 ses, competent to the
 of that court, re-
 same manner after
 as now in Scotland,
 rliament of Great-
 make such regula-
 tations as shall be
 dient for the whole
 lom, so as there be
 inued in Scotland a
 miralty, such as is
 , for determination
 me cases relating to
 s in Scotland, com-
 : jurisdiction of the
 ourt, subject never-
 ch regulations and
 is shall be thought
 made by the par-
 Great-Britain; and
 table rights of ad-
 vice-admiralties
 be reserved to the
 oprietors as rights,
 subject neverthe-
 VI.

less, as to the manner of exer-
 cising such heritable rights, to
 such regulations and alterations
 as shall be thought proper to be
 made by the parliament of
 Great-Britain. And that all o-
 ther courts now in being within
 the kingdom of Scotland do re-
 main, but subject to alterations
 by the parliament of Great-
 Britain; and that all inferior
 courts within the said limits do
 remain subordinate, as they are
 now, to the supreme courts of
 justice within the same in all
 time coming: and that no
 causes in Scotland be cognosci-
 ble by the courts of Chancery;
 Queen's-Bench, Common-Pleas;
 or any other court in Westmin-
 ster-hall; and that the said courts
 or any other of the like nature,
 after the union, shall have no
 power to cognosce, review, or
 alter the ads or sentences of
 the judicature within Scotland,
 or stop the execution of the
 same: And that there be a court
 of Exchequer in Scotland after
 the union, for deciding ques-
 tions concerning the revenues
 of customs and excises there,
 having the same power and au-
 thority in such cases, as the court
 of Exchequer has in England;
 and that the said court of Ex-
 chequer in Scotland have power
 of passing signatures, gifts, tuto-
 ries, and in other things, as the
 court of Exchequer, at present
 in Scotland hath; and that the
 court of Exchequer, that now is
 in Scotland, do remain until a
 new court of Exchequer be fet-
 ted by the parliament of Great-
 Britain

R

Britain

1706.

seeing every thing was complied with, that the king of Denmark insisted on, thought he needed not to stay, till he sent to that court, nor wait for exprefs orders ; and therefore commanded-

Britain in Scotland after the union : and that, after the union, the queen's majesty, and her royal successors, may continue a privy-council in Scotland, for preserving the public peace and order, until the parliament of Great-Britain shall think fit to alter it, or establish any other effectual method for that end.

XX. That all heretable offices, superiorities, heretable jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the laws of Scotland, notwithstanding this treaty.

XXI. That the rights and privileges of the royal boroughs in Scotland, as they now are, do remain intire after the union, and notwithstanding thereof.

XXII. That, by virtue of this treaty, of the peers of Scotland at the time of the union, sixteen shall be the number to sit and vote in the house of lords, and forty-five the number of the representatives of Scotland, in the house of commons, of the parliament of Great-Britain ; and that when her majesty, her heirs and successors, shall declare her or their pleasure, for holding the first or any subsequent parliament of Great-Britain, until the parliament of Great-Britain shall make further provision therein, a writ do issue under the great-seal of the united kingdom, directed to the privy-council of Scotland, commanding them to cause sixteen peers,

who are to sit in the house of lords, to be summoned to parliament ; and forty-five members to be elected to sit in the house of commons of the parliament of Great-Britain, according to the agreement in this treaty, in such manner as by an act of this present session of parliament of Scotland is, or shall be settled ; which act is hereby declared to be as valid as if it were a part of, and ingrossed in this treaty : And that the names of the persons so summoned and elected, shall be returned by the privy-council of Scotland, into the court from whence the said writ did issue. And that if her majesty, on or before the first day of May next, on which day the union is to take place, shall declare under the great-seal of England, that it is expedient that the lords of parliament of England, and commons of the present parliament of England, should be the members of the respective houses of the first parliament of Great-Britain, for and on the part of England, then the said lords of parliament of England, and commons of the present parliament of England shall be the members of the respective houses of the first parliament of Great-Britain, for and on the part of England. And her majesty may, by her royal proclamation, under the great-seal of Great-Britain, appoint the said first parliament of Great-Britain, to meet at such time and place as her majesty shall think fit, which time shall

manded his troops to march; and they made such expedition, that on the 22d of May, N. S. being the day before the battle, 1706.

shall not be less than fifty days after the date of such proclamation: and, the time and place of the meeting of such parliament being so appointed, a writ shall be immediately issued under the great-seal of Great-Britain, directed to the privy-council of Scotland, for the summoning the sixteen peers, and for electing forty-five members, by whom Scotland is to be represented in the parliament of Great-Britain: and the lords of parliament of England, and the sixteen peers of Scotland, such sixteen peers being summoned and returned in the manner agreed in this treaty; and the members of the house of commons of the said parliament of England, and the forty-five members for Scotland, such forty-five members being elected and returned in the manner agreed in this treaty, shall assemble and meet respectively in their respective houses of the parliament of Great-Britain, at such time and place as shall be so appointed by her majesty, and shall be the two houses of the first parliament of Great-Britain; and that parliament may continue for such time only, as the present parliament of England might have continued, if the union of the two kingdoms had not been made, unless sooner dissolved by her majesty. And that every one of the lords of parliament of Great-Britain, and every member of the house of commons of the parliament of Great-Britain, in the first, and all suc-

ceeding parliaments of Great-Britain; until the parliament of Great-Britain shall otherwise direct, shall take the respective oaths appointed to be taken, instead of the oaths of allegiance and supremacy, by an act of parliament made in England, in the first year of the reign of the late king William and queen Mary, intituled, An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths; and make, subscribe, and audibly repeat the declaration mentioned in the act of parliament made in England, in the thirtieth year of the reign of king Charles II. intituled, An act for the more effectual preserving the king's person and government, by disabling papists from sitting in either house of parliament; and shall take and subscribe the oath mentioned in an act of parliament made in England, in the first year of her majesty's reign, intituled, An act to declare the alterations in the oath appointed to be taken by the act, intituled, An act for the further security of her majesty's person, and the succession of the crown in the protestant line, and for extinguishing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors; and for the declaring the association to be determined at such time and in such manner as the members of both houses of parliament of England are, by the said respective acts, directed to take, make and subscribe the same,

1706. battle, they came up within a league of the rear of the confederate army.

About

upon the penalties and disabilities in the said respective acts contained. And it is declared and agreed, that these words, This realm, The crown of this realm, and, The queen of this realm, mentioned in the oaths and declaration contained in the aforesaid acts, which were intended to signify the crown and realm of England, shall be understood of the crown and realm of Great Britain; and that, in that sense, the said oaths and declaration be taken and subscribed by the members of both houses of the parliament of Great-Britain.

XXIII. That the aforesaid sixteen peers of Scotland, mentioned in the last preceding article, to sit in the house of lords of the parliament of Great-Britain, shall have all privileges of parliament, which the peers of England now have, and which they, or any peers of Great-Britain, shall have after the union, and particularly the right of sitting upon the trials of peers: And in case of the trial of any peer, in time of adjournment, or prorogation of parliament, the said sixteen peers shall be summoned in the same manner, and have the same powers and privileges at such trial, as any other peers of Great-Britain; and that, in case any trials of peers shall hereafter happen when there is no parliament in being, the sixteen peers of Scotland who sat in the last preceding parliament, shall be summoned in the same manner, and have the same powers and privileges at such trials, as

any other peers of Great-Britain: And that all peers of Scotland, and their successors to their honours and dignities, shall, from and after the union, be peers of Great-Britain, and have rank and precedence next and immediately after the peers of the like orders and degrees in England at the time of the union; and before all peers of Great-Britain, of the like orders and degrees who may be created after the union, and shall be tried as peers of Great-Britain, and shall enjoy all privileges of peers, as fully as the peers of England do now, or as they, or any other peers of Great-Britain, may hereafter enjoy the same, except the right and privilege of sitting in the house of lords, and the privileges depending thereon, and particularly the right of sitting upon the trials of peers.

XXIV. That, from and after the union, there be one great-seal for the united kingdom of Great-Britain, which shall be different from the great-seal now used in either kingdom; and that the quartering the arms and the rank and precedence of the lion king of arms of the kingdom of Scotland, as may best suit the union, be left to her majesty: And that, in the mean time, the great-seal of England be used as the great-seal of the united kingdom; and that the great-seal of the united kingdom be used for sealing writs to elect and summon the parliament of Great-Britain, and for sealing all treaties

about the same time, the French having been joined by the force of marshal de Marfin's army, and confiding in the superiority of numbers, came out of their lines, and engaged between Tirlemont and Judoigne.

The next day, being Whitsunday, about four o'clock in the morning, the confederate army marched in eight columns towards Ramillies, a village, near which the Gheet takes its source, that they might avoid the inconveniency of passing that river (a). They soon had information, that the

enemy's

with foreign princes and all public acts, intents, and orders of state, concern the whole united kingdom, and in all other matters relating to England, as the seal of England is now and that a seal in Scotland after the union, be kept and made use of in things relating to private or grants, which have passed the great-seal of England, and which only concern offices, grants, commissions and private rights within the kingdom; and that, until a seal be appointed by her majesty, the present great-seal of Scotland shall be used for purposes; and that the great-seal, signet, cassid, signet of the justiciary-court, quarter-seals of courts now in use in Scotland be continued: that the said seals be altered and adapted to the state of the kingdom, as her majesty shall think fit; and the said seals, together with the keepers thereof, shall be subject to the regulations, as the parliament of Great-Britain shall hereafter make. And that the great-seal, scepter, and sword of state, the records of parliament, other records, rolls, and whatsoever, both public and private, general and particular, and warrants thereof, be kept as they are

within that part of the united kingdom now called Scotland; and that they shall so remain in all time coming, notwithstanding the union.

XXV. That all laws and statutes in either kingdom, so far as they are contrary to, or inconsistent with, the terms of these articles, or any of them, shall, from and after the union, cease and become void, and shall be so declared to be by the respective parliaments of the said kingdoms.

(a) Ramillies is a village (surrounded with a ditch) in Brabant, in the district of Louvain, by the skirts of the province of Namur, rendered famous to all posterity by the glorious victory obtained there by the duke of Marlborough and monsieur d'Auverquerque, over the elector of Bavaria and marshal Villeroy, which was followed by the reduction of almost all the Netherlands in two months time. It lies at the head of the Gheet, about a mile and half north from the side of the Meuse, that interval being the narrow aperture where that glorious battle was fought. It is six miles almost south from Judoigne, twelve miles south from Tirlemont, fourteen miles west-north-west from Huy, and eleven miles north from Namur,

1706. enemy's army, having decamped from Tirlemont, was likewise on their march to meet them, their baggage and heavy cannon being left at Judoigne. The elector of Bavaria and marshal de Villeroy, not in the least suspecting that the Danes had joined the confederate army, were fully determined upon engaging them, either that day or the next, being apprehensive, that the duke of Marlborough had formed a design of investing Namur. The enemy's army then consisted of seventy-six battalions of foot, and a hundred and thirty-two squadrons of horse, having sixty-two cannon, eleven mortars, and thirty-six pontoons. Their immediate design was to possess themselves of Ramillies, and the strong camp thereabouts, to prevent the confederates doing the same; and in this they so far succeeded, that, being nearer, they got there first. Their fears were however groundless concerning Namur; for the duke of Marlborough had no such design. His resolution was the same with theirs; and, had not they offered him battle that day, he would certainly have attacked them the next. The two armies met near the village of Ramillies, from whence the battle took its name. When the confederate army was advanced near this place, they found the enemy getting into the camp of mount St. Andre, and placing their right on the Mehaigne, where they had posted a brigade of foot, and filled the space between that and Ramillies, which is about half a league, an open and level ground, with near a hundred squadrons, among which were the troops of the king's household. They had likewise above twenty battalions of foot, with a battery of about twelve pieces of cannon, at Ramillies.

About one in the morning, the duke of Marlborough sent the quarter-master-general with the camp-colours, and a few squadrons towards Ramillies, to make a feint, as if they designed to form a camp there, the better to penetrate into the enemy's designs; and, about three, the duke and monsieur Auverquerque decamped with the whole army, and advanced in eight columns in a great fog. A little after eight, the advanced guard of the confederates, which consisted of six hundred horse, and had been sent with all the quarter-masters of the army, to view the ground, arrived at the height of Merdop (or Merdan) from whence they perceived, that the enemy were in motion, and marched in the plain of Mount St. Andre, extending themselves as far as the tomb of Hottomont, towards the Mehaigne. Hereupon they halted, and sent intelligence to the duke of Marlborough

Marlborough and monsieur Auverquerque, who being advanced about ten to view the enemy, they could not at first judge, whether those squadrons they saw were only to cover their march into their lines, or whether they were the van of the enemy, that came to offer battle. The duke therefore gave orders to the horse to hasten their march, resolving, if those he saw had been only covering squadrons, to attack them with his cavalry only. But, the fog being soon after dispersed, and the army being then in full view of the enemy, the duke found their whole army approach, with an apparent resolution to fight, upon which he made all the necessary dispositions to receive them. The enemy, seeing the confederates so near them, possessed themselves of a very strong camp; placing their right near the tomb of Hottomont, against the Mehaigne, and their left at Anderkirk, and posted a good number of their infantry in their villages of Anderkirk, Ossuz, and Ramillies, which last was near their center; besides which, they put five battalions near the hedges of the village of Franquénies, which was on their right. The confederate army was at the same time drawn up in order of battle, the right wing being posted near Foltz, on the rivulet Yause, with a little morass in front; and the left near the village of Franquénies on the Mehaigne; where, besides the number of the horse belonging to that wing, the duke of Marlborough ordered the Danish squadrons, being twenty-one in number, to be posted; rightly judging, by the situation of the ground, that the stress of the action would be on that side. All things being thus disposed, it was resolved to attack the village of Ramillies, which was the enemy's principal post, and who, from thence to Anderkirk, had formed a line of foot along the Gheet, and a line of horse behind them. In order to this attempt, twenty pieces of cannon of twenty-four pounders, and some hawbitzers, were brought up; and twelve battalions, which were to be supported by the whole line, were ordered to make the first onset, under the command of lieutenant-general Schultze.

About half an hour past one, the artillery of the confederates began to play. It was immediately answered by the enemy's cannon; and both continued firing with considerable execution. Whilst the duke of Marlborough was at the head of the lines, to give the necessary orders every where, velt-marshal Auverquerque repaired to the left; where perceiving, that the enemy's foot posted in the hedges of Franquénies, galled the horse of that wing, he com-

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manded four battalions, with two pieces of cannon under colonel Wertmuller, to dislodge them from thence, which they performed with great vigour and resolution. Hereupon the enemy detached two battalions and fourteen squadrons of dragoons, on foot, to regain that important post; but Auverquerque commanded, at the same time, the whole wing of the Dutch horse, to attack the enemy; which not only prevented their design, but put those dragoons into such disorder, that they were not able, either to reach the village, or recover their horses, which they had left a good way behind the tomb of Hottomont, and so were most of them cut in pieces, and taken prisoners. The Dutch cavalry charged with a good deal of bravery, sword in hand, and soon after the engagement were sustained by the Danish squadrons; but having to deal with the French king's household, the musquetaires, gens d'armes, garde de corps, horse-grenadiers, and other choice troops which were in the enemy's right, the conflict was obstinate, and the success doubtful for above an hour. The Danish horse, which fought on the left of all, behaved themselves with such gallantry, that they forced the enemy to give ground, and broke several of their squadrons; but, at the same time, the French had almost an equal advantage against the Dutch horse of the right of the left wing, whom they put into great confusion. To remedy this, the duke of Marlborough, who was advanced that way, sent for twenty squadrons of horse from the right wing, where they could not engage the enemy's left, by reason of a morass, which separated them; and with these he reinforced his left, adding to them his body of reserve (a).

The

(a) The French writers, who have given a description of this battle, allow of this as a very prudent part of the duke of Marlborough's conduct; but, to cover the disgrace of their favourite troops, pretend, that the duke sent fifty, and not twenty squadrons from his right, and made four lines of them, besides a column composed of the body of reserve. Thus, says father Daniel, the whole weight of the battle fell upon the right wing of the French

army, where the troops of his majesty's household were placed. The body, which had hitherto been invincible, entered the enemy's troops, and overthrew the three first lines; but, finding a fourth, and the column above-mentioned, which was moving to fall upon them in flank; they were obliged to give way, and retire to rally behind the troops, which followed them, and who, instead of sustaining them, re-treated

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The duke, while these troops were advancing from the right, rallied some of the broken squadrons, and gave his orders for others to charge. In this place he was in the extremity of danger; for, being singled out by several of the most resolute of the enemy, and having the misfortune, as he was leaping a ditch, to fall from his horse (a), he had been either killed or taken prisoner, if some of the confederate foot, that were near at hand, had not come very seasonably to his assistance. After this, he had still a narrower escape, a cannon-ball taking off the head of colonel Brienfield, his gentleman of the horse, as he was holding the stirrup for the duke to remount.

The twenty squadrons, which the duke had sent for from the right to reinforce the left, had but little share in the defeat of the enemy's right; for, by that time they were come up, the Dutch and Danes, having charged them both in front and flank, had almost compleated that signal piece of service, cutting in pieces the best part of the French king's household troops, so that they could never be fully re-established during the remainder of the war. In the mean time, the village of Ramillies was vigorously attacked by general Schultze, with the twelve battalions under him. The enemy, having the advantage of the ground, defended themselves with great resolution and obstinacy, till, seeing the whole line of the confederate infantry in motion to support general Schultze, and the Dutch and Danish horse advancing to surround them, they thought of making their retreat; but found it was too late; for they were intercepted by the victorious horse, and most of them either killed or taken prisoners.

The

‘ treated without coming to the
 ‘ battle. Matters being in this
 ‘ ill situation, the left wing of
 ‘ the French, which had not
 ‘ been able to engage by reason
 ‘ of the morass, which lay
 ‘ between them and the enemy,
 ‘ drew up in order upon a rising
 ‘ ground, as was well judged
 ‘ by the marquis de Mefiers
 ‘ lieutenant-general, and stopped
 ‘ the progress of the enemy's
 ‘ horse, which pressed the
 ‘ household troops very closely,
 ‘ and, by this means, gave
 ‘ them an opportunity to rally,
 ‘ and make their retreat in good
 ‘ order. The most part of the
 ‘ troops disbanded themselves
 ‘ before the retreat; and this
 ‘ caused the disorders which
 ‘ followed; for we had not
 ‘ above three or four thousand
 ‘ men slain in the battle.
 ‘ (a) Some officers, who were
 ‘ in the engagement, said, the
 ‘ duke was borne down by some
 ‘ of the disordered Dutch horse.
 ‘ Possibly both may be true.

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The rest of the enemy's infantry endeavoured likewise to make their escape, which they did in better order, being favoured by the horse of their left wing, who, being covered by a rivulet and morafs, had not yet been attacked, and formed themselves in three lines between Offuz and Anderkirk. But the English horse, having found means to pass the rivulet, charged the enemy with such unparalleled briskness and courage, that they intirely abandoned their foot; and our dragoons, pushing into the village of Anderkirk, made a terrible slaughter of them. The rest of the enemy, who were at the same time attacked by the English and Dutch foot with equal bravery, gave way on all sides. Their horse rallied again in the plains, to cover the disorderly retreat of their foot; but they were so closely pursued by the confederate cavalry, that they were forced to divide themselves into three small bodies, that they might fly the better three different ways. Those that took to the left were pursued by the Dutch and Danes, who made great slaughter amongst them, and took abundance of prisoners; and those that fled to the right, were chased by the regiments of Lumley, Hay, and Rofs; which two last fell in with the foot regiment du Roy, of whom having killed many, the rest threw down their arms, and begged quarter, which was immediately granted. Upon this, they delivered their arms and colours to the lord John Hay's dragoons; but, when these dragoons faced about, in order to pursue the enemy, they treacherously attempted to take up their arms again; in which, however, they were prevented, and suffered severely for their perfidy.

The foremost regiments of the English horse, that pursued the enemy's center, were that of lieutenant-general Wood, commanded by himself, and Wyndham's (afterwards Palmes's) carabineers, headed by major Perry. When they came upon a rising ground, they saw seven squadrons of the Spanish and Bavarian guards, among whom was the elector himself, and Villeroy, who hoped, with these few choice troops, to make good their retreat, and save their cannon, which was marching in a line before them. General Wood galloped with his own regiment upon the enemy's left, and charged them so vigorously, that he broke them intirely, killing many of them, and taking not a few prisoners, among whom were two lieutenant-colonels, one major, four captains, and several subaltern officers. He also took the standard of the elector's guards, two of his own troopers, and killed his kettle-drummer; the elector himself
and

and Villeroy very narrowly escaping. Major Perry, at the head of Wyndham's carabineers, fell upon the enemy with equal briskness and resolution; put many of them to the sword, and took several prisoners, particularly the major of the Spanish guards, monsieur de la Guertiere, and monsieur de Bruan, cornet of the same, besides four officers, and forty-six private men of the royal bombardiers, with their colours. The English horse and dragoons followed the chace through and by Judoigne, till two o'clock in the morning, as far as Meldert, being five leagues from the place, where the action happened, and two from Louvain. During this retreat, a misfortune happened to the enemy, which contributed not a little to complete the victory. Several waggons of their van-guard breaking down stopped the way, so that their baggage and artillery, which followed, could not pass, nor could their troops defile in good order. Perceiving, that the confederate horse, having got intelligence of this accident, pursued them close, they threw down their arms, that they might escape with the more ease, and retreated in the greatest confusion. Here it was, that the most prisoners were taken; for, in the action, little or no quarter was given, the confederate horse having been highly provoked by the idle gasconades of the French musquetaires and gens d'armes, of which they were very full when they came to the attack, but paid dearly for it in the sequel. In short, never was victory more complete; the confederates made themselves masters of all the enemy's cannon, except two or three, to the number of about fifty pieces; most of their baggage; about a hundred and twenty colours, or standards, and several pair of kettle-drums. The enemy's loss of men, according to the most general computation, amounted to eight thousand slain, and among them, prince Maximilian and prince Monbafon; and about six thousand private soldiers, and near six hundred officers taken prisoners; which, with their deserters and wounded, made their loss not less than twenty thousand men (a). Some accounts make

(a) The duke of Marlborough said to bishop Burnet, the French army looked the best of any he had ever seen: but that their officers did not do their part, nor shew the courage that had appeared among them on other occasions. And, when the bishop asked him the difference between the

actions at Hochstedt and at Ramillies, he said, The battle of Hochstedt lasted between seven and eight hours, and we lost about twelve thousand men; whereas the battle of Ramillies lasted not above two hours, and we lost not above two thousand five hundred men. Vol. II. 451.

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make the number of deserters so great, that scarce half of their army must have ever returned to their colours. The persons of note among the prisoners were messieurs Palavicini and Miziere, major-generals; the marquis de Bar, brigadier-general of horse; the marquis de Nonant, brigadier-general of foot; the marquis de la Baume, son of the marshal de Tallard; monsieur de Montmorency, nephew to the late duke of Luxemburgh; a nephew of lord Clare, and several others (1).

The

(1) The marquis de Feuquieres represents this battle as fatal to the two crowns, and observes, that this decisive action was resolved upon without any of those inducements, by which a general ought to be conducted, when he determines to engage an enemy. He lays it down as a maxim with relation to battles, that a general should never be disposed, either to offer or receive battle, except in those conjunctures, wherein the benefits, that will redound to his prince from a prosperous event, will be much greater than any disadvantage he can possibly sustain by a defeat. ' This first maxim, so incontestable in its own nature, and so necessary to be observed, was intirely disregarded on this occasion by marshal de Villeroy. Notwithstanding the fatal event of the battle of Hochstedt, the war, that rekindled on the Rhine, was sustained with equality. It was carried on to advantage in Italy, where the duke of Vendosme, who opposed prince Eugene, gave monsieur de Feuillade an opportunity to form the siege of Turin. The duke of Berwick sustained a very difficult war in Spain, after marshal de Thefe had quitted the siege


of Barcelona in so pusillanimous a manner. The confessed rate crowns therefore should have only maintained a defensive war in Flanders during this campaign, and for which we were effectually prepared by forming a new line along the Deule. Our resolution therefore to open the campaign with a general action, the success of which would have been but inconsiderable on our part, in that early season, was a remarkable error in that general state of affairs; and resulted from a presumptive vanity, and a perfect inattention to the general plan of the war. Marshal de Villeroy was determined, without the least reason, to open the campaign out of his lines. With this view he marched to Tirlmont; but he should have thought this motion sufficient, and he might possibly have had just inducements to make it. An army, which is only charged with a defensive war in its lines, ought to be assembled sooner than the enemy, in order to gain some days, at least, for the consumption of the forage near the lines: and, had we pursued this cautious conduct, it would have been difficult for

The elector of Bavaria and marshal de Villeroy, with the greatest part of the broken remains of their army, continued

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The confederates take possession of Louvain.

the enemy to approach our lines; and their continuance in the adjacent country would have been destructive to their cavalry and equipage. If marshal de Villeroy had been content with his advance to Tirlemont, and had caused his army to consume the forage between his camp and the Deule, he might have effected the preservation of the Netherlands, and the security of his lines, without hazarding any engagement. But he thought this first march insufficient, though it might have produced a very judicious effect; and instead of waiting for the elector of Bavaria, with whom, in mere deference to his rank, he ought, at least, to have acted in concert, he decamped from Tirlemont, and advanced to Ramillies, without acquiring any intelligence of the motions formed by the enemy, who were then assembled near Tongres. When the van of his march began to appear at the head of the Little Gheet, where Ramillies is seated, he was informed, that the enemy were advancing to him, and that their front already began to be discovered. He then prepared to form his troops in order of battle, with a full persuasion, that the enemy would not presume to attack so formidable an army as his. Had his disposition been regular, the bravery of his troops might have rendered the action successful; but it was so extremely injudicious and ill-precautioned against the order in which he saw the enemy ranged, that it can hardly be thought surprising, that the event of this battle was so fatal, as it really proved. I shall now represent the errors committed by marshal de Villeroy with respect to his particular disposition, which I shall describe from the left of the army, and through the extent of the line to the extremity of the right. I shall then proceed to the second line; and from thence to the rear, to make it evident, that the disposition was every where irregular, and contrary to all just rules. The left wing of the cavalry was covered by the Gheet, and the marshes that bounded it; and where the troops could neither charge the enemy, nor be charged by them; and consequently they continued useless during the engagement. The village of Ramillies, which was seated in a plain beyond the source of the Gheet, fronted the right of the infantry, and marshal de Villeroy had posted some battalions there; but the village was too distant from our line, to be supported to any effect, when it should happen to be attacked by the enemy. We even neglected to open the hedges towards the line, in order to advance with a more extended front, in case it should be necessary to support the infantry in the village, who

1706.  tinued their precipitate flight till they reached Louvain; where having held (by torch-light, in the market-place) a council

‘ who had not the precaution
 ‘ to accommodate that place,
 ‘ either to their front or flanks,
 ‘ nor even to form a communi-
 ‘ cation between their several
 ‘ battalions, so that they were
 ‘ only posted in the inclosures
 ‘ and gardens. But the most
 ‘ extraordinary circumstance of
 ‘ all was, that, in order to de-
 ‘ fend the village, which, it was
 ‘ imagined, would cost the e-
 ‘ nemy very dear to surprise,
 ‘ tho’ it was too remote from
 ‘ the line, to produce any such
 ‘ effect, we posted there all the
 ‘ useless infantry of the army,
 ‘ composed, for the greatest
 ‘ part, of foreign battalions and
 ‘ recruits, and even prisoners
 ‘ taken from the enemy. When
 ‘ the village therefore was at-
 ‘ tacked, the assailants only en-
 ‘ gaged a set of inconsidera-
 ‘ ble troops, who were ill dis-
 ‘ posed, and not supported ei-
 ‘ ther in time, or from any situ-
 ‘ ation near enough to have any
 ‘ effect; and the village was
 ‘ forced by an attack upon the
 ‘ flanks, which were intirely
 ‘ unprotected. The disposition
 ‘ of our right was still worse
 ‘ than that of our left or the
 ‘ center. The village of Tani-
 ‘ ers, on the bank of the Me-
 ‘ haigne, ought to have sup-
 ‘ ported our right, and reserved
 ‘ a considerable body of infan-
 ‘ try to guard it; but marshal de
 ‘ Villeroy contented himself at
 ‘ first with detaching a regiment
 ‘ of dragoons thither, who
 ‘ were very severely treated by
 ‘ the enemy’s infantry; and he
 ‘ afterwards supplied it with a
 ‘ brigade and four battalions,
 ‘ who were overwhelmed by
 ‘ the superior fire of the enemy’s
 ‘ infantry, who were already
 ‘ masters of the village. I shall
 ‘ add to all this inconsiderate
 ‘ disposition of the front a par-
 ‘ ticular neglect, which contri-
 ‘ buted likewise to the loss of
 ‘ the battle. I have already
 ‘ observed, that marshal de
 ‘ Villeroy recieved intelligence
 ‘ in the morning, that the ene-
 ‘ my were advancing towards
 ‘ him; and yet, in all the course
 ‘ of time he then had to disen-
 ‘ gage his troops from the im-
 ‘ pediments of the baggage, he
 ‘ never thought of that pre-
 ‘ caution; so that the greatest
 ‘ part of it was heaped up be-
 ‘ tween the two lines, and em-
 ‘ barrased their motions, espe-
 ‘ cially to the right, where the
 ‘ action was sustained. Such
 ‘ were the principal defects in
 ‘ our disposition; and they
 ‘ were all so very considerable
 ‘ and essential, that one alone
 ‘ would have been sufficient to
 ‘ have lost us the battle. The
 ‘ enemy, who were sensible of
 ‘ our injudicious arrangement,
 ‘ were above five hours in
 ‘ changing their order of battle,
 ‘ in order to form another, that
 ‘ might be more advantageous
 ‘ to them in that conjuncture.
 ‘ In all that length of time our
 ‘ troops continued under arms,
 ‘ without forming any motion;
 ‘ and whatever instances could
 ‘ possibly be made to marshal
 ‘ de Villeroy to adjust his order
 ‘ of battle by that which he saw
 ‘ the enemy forming in order

council of war, they resolved to abandon that place, and retire towards Brussels. On the other hand, the confederates,

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to attack us, it was impossible to prevail upon him to vary his first disposition. Our whole army beheld the enemy unguarding their right, because it would have been in vain for them to have attacked our left, which was covered by the Gheet. The lieutenant-general, who commanded on the left, sent frequent intelligence to marshal de Villeroy of the enemy's motions, which he had observed, and proposed to him, not to leave any more cavalry on the left, than would be proportionable to what the enemy reserved at their right, and to double the rest behind the left. But monsieur de Gassion recommended this salutary and judicious advice in vain. It was likewise observed, that the enemy still drew off part of their infantry from their right, and formed several lines before the village of Ramillies, and the right of our infantry; and we might naturally imagine they intended to make a powerful effort against that village, and the right of our infantry. But whatever remonstrances could be made to marshal de Villeroy, to induce him to approach the village, and double part of the infantry of the left behind that of the right and center, as he saw performed by the enemy, he continued inflexible, tho' he had all imaginable reason to conform the disposition for his defence to the enemy's preparations for attacking him. It

was likewise observed, that the enemy drew off a body of infantry from their second line, and marched them to Taniers; and it was represented, though ineffectually, to marshal de Villeroy, that the enemy poured all their force to the left, and that it would be impossible for our right to sustain so formidable an effort; but no consideration could induce him to act consistently with the enemy. In fine, when above five hours had been employed by the enemy in forming the disposition I have described; while marshal de Villeroy, in all that length of time, never made the least provision for enabling the right to support the shock with which they were threatened, the enemy attacked the village of Taniers; and, when they had intirely carried it, and improved it to support their left, they advanced in four lines to our right wing of cavalry, and in several lines and columns to our infantry, who were posted in the village of Ramillies. As they approached our right, they advanced their second and fourth lines into the intervals of their first and second lines; so, that when they made their advance upon us, they formed only one front, without any intermediate spaces. This motion was performed so near us, that our right had no time either to close themselves, in order to fill their intervals by that contraction,

1706. rates, having halted at Bevesheim the 24th of May, for the refreshment of their troops, disposed all things for their march early the next morning, in order to force the passage of the Deule; but received advice in the night, that the enemy had quitted their camp, and abandoned Louvain. Whereupon

‘ traction, or to supply them
 ‘ with the second line, which,
 ‘ besides their immoderate distance from the first line, were
 ‘ incapable of making that advance with freedom, on account of the several equipages, which, as I have already intimated, were left, thro’ mere
 ‘ negligence, between the two lines. Our right therefore
 ‘ was charged by one contiguous front, whose squadrons, that forced our intervals, penetrated without opposition, and then wheeled about to charge the squadrons of our
 ‘ first line in the rear, who, though they had almost defeated all the squadrons that attacked them, were now
 ‘ thrown into a general disorder by the squadrons of the enemy’s second line, and by those who charged them in the rear. The enemy conducted the attack of the village differently from that of the cavalry on the right. They advanced to it in four columns; but, when they approached the front of that village, they were convinced, that our line of foot was too remote to protect it with their fire, and that the flank of the village was not guarded by troops, because their number in that place was too inconsiderable. From this bad disposition on our part they derived one, that was advantageous to themselves; for they advanced one
 ‘ of their last lines into the front of the first; and, when they were marching up to the village, this front extended in an angle to the flank of that village, and easily forced it, while the other troops sustained the attack from the front of that place. All this disorder of our right was not to be retrieved, either by the presence of the general himself, or the several general officers in that quarter. The bravery, both of officers and soldiers, was incapable of reinstating an action, that was lost by a bad disposition; so that a general confusion was communicated through all our right, who abandoned the field of battle and their cannon. The left of the cavalry, and some battalions of the left, who had not shared the engagement, retired without any molestation, till the approach of night, when the flight and disorder became universal.
 ‘ Thus did the enemy, in the space of one quarter of an hour, defeat an army of eighty thousand men, while their own loss did not amount to two thousand. They took eighty pieces of cannon, and a prodigious quantity of baggage; and conquered all the Spanish Netherlands, which our general had abandoned.’

Whereupon bridges being laid over that river, a detachment of five hundred men was sent to take possession of the place, and the whole army passed the river the next day, about noon, and incamped at Bethlem (a). 1706.

After the battle of Ramillies, there was nothing to be seen in the Low-Countries, but a general revolution; and the allies were attended with a continued course of conquest. The inhabitants of those parts, weary of the French government, received the confederate generals every where as their deliverers, who had redeemed them from slavery, and recovered their ancient liberty. The cities of Louvain, Mechlin, and Brussels submitted, besides many lesser places. Antwerp made a shew of standing out, but soon followed the example of the rest. Ghent and Bruges did the same. In all these king Charles was proclaimed. Upon this unexpected rapidity of Success, the duke of Marlborough went to the Hague on the 9th of June, to concert measures with the States; where he staid but a few days, for they agreed to every thing he proposed, and sent him back with full powers. The first thing he undertook was the siege of Ostend, a place famous for its long siege in the last age. The natives of the place were disposed to return to the Austrian family; and the French, who were in it, had lost all heart and spirit, that they made not the resistance, which was expected. In ten days after, the confederates sat down before it, and within four days after the batteries were finished the place capitulated (b). From thence they proceeded to Menin, which was esteemed the best finished fortification in all those parts. It was built after the peace of

Ostend
and Menin
taken;

July 6;

(a) Louvain is a very large and pleasant city of the Low-Countries: the French abandoned it May 24, 1706, the next day after the memorable battle of Ramillies, and the duke of Marlborough took possession of it on the 25th. It stands on the river Deule, eleven miles south-east of Mechlin, fifteen north-east of Brussels, twenty-seven north of Namur, and thirty-eight north-east of Mons.

(b) Ostend is a very strong and fine sea-port of the Low-Countries, in the earldom of Flanders, the marquissate of the territory of Vianden-Urien. It was invested by the confederates both by sea and land, June 25, 1706, and obliged to surrender, July 6. It stands about nine miles north-east of Newport, eleven west of Bruges, twenty south-west of Sluys, twenty-four north-east of Dunkirk, and thirty-five almost west of Ghent.

1706. of Nimeguen; nothing, that art could contrive, was wanting to render it impregnable; and it was defended by a garrison of six thousand men; so that many thought it was too bold an undertaking to sit down before it. The French army was become considerable by great detachments brought from the Upper Rhine, where marshal Villars was so far superior to the Germans, that if it had not been for this revulsion of his forces, the circles of Swabia and Franconia would have been much exposed to pillage and contribution (a).

Vendosme commands in Flanders.

The duke of Vendosme's conduct in Italy had so raised his character, that he was thought the only man fit to be at the head of the army in Flanders; and was accordingly sent for, and had that command given him with a high compliment, which was very injurious to the other officers, since he was declared to be the single man, on whom France could depend, and by whom it could be protected in that extremity. The siege of Menin was carried on so successfully, that the trenches were opened on the 24th of July, and the batteries finished on the 29th; and the place was so warmly pressed, that it capitulated on the 11th of August, and on the 14th, being St. Louis's-day, four thousand men marched out of the town. It seemed strange, that a garrison, which was still so numerous, should surrender in so short a time a place, which was both so strong and so well furnished. But as the French were much sunk, so the allies were now become very expert at carrying on of sieges, and spared no cost, that was necessary for dispatch. Dendermonde had been for some weeks under a blockade (b). This the duke of Marlborough ordered to be turned into a formal

Dendermonde and Aeth taken.

(a) Menin a town of the Low-Countries in the earldom of Flanders, one of the strongest and most regular fortifications in Europe; notwithstanding which (together with the vigorous resistance of a numerous garrison, and a resolute commander) the confederates made themselves masters of it in eighteen days after the opening of the trenches. It stands on the river Lys, five miles south-west of Courtray, nine almost north

of Lille, and twelve almost south east of Ypres.

(b) Dendermonde, a strong town of the Low-Countries, in the earldom of Flanders. It was blocked up by the confederates soon after the battle of Ramillies, and surrendered to the duke of Marlborough after a formal siege the beginning of August. It stands on the river Scheld and Dender, twelve miles east of Ghent, fourteen south-west of Antwerp, and seventeen north-west of Brussels.

mal siege. The place was so surrounded with water, that the French king, having once begun a siege there, was forced to raise it; yet it was now so pressed, that the garrison offered to capitulate; but the duke would give them no other terms, but those of being prisoners of war, to which they were obliged to submit. Aeth was next invested; it lay so inconveniently between Flanders and Brabant, that it was necessary to clear that communication, and deliver Brussels from the danger of that neighbourhood. In a fortnight's time it was also obliged to capitulate; and the garrison were made prisoners of war (a).

During these sieges, the duke of Vendosme, having fixed himself in a camp that could not be forced, did not think fit to give the duke of Marlborough any disturbance, while he lay with his army covering the sieges. The French were jealous of the elector of Bavaria's heat, and though he desired to command any army apart, yet it was not thought fit to divide their forces, though now grown to be very numerous. Deserters said, that the panic was still so great in the army, that there was no appearance of their venturing on any action. Paris itself was under no little consternation; and, though the king carried his misfortunes with an appearance of calmness and composure, yet he was often let blood, which was thought an indication of a great commotion within; and this was, no doubt, the greater, because it was so much disguised. No news was talked of at that court; all was silent and solemn; so that even the duchess dowager of Orleans knew not the true state of their affairs; which made her write to her aunt, the electress of Hanover, to learn news of her.

Whilst these things passed in Flanders, the courts of Spain and France took such early measures to attack king Charles both by sea and land, before he could be relieved by the maritime powers, that his affairs were reduced to the last degree of despair. King Philip set out in February from Madrid, in order to open the campaign with the sieges

(a) Aeth a strong frontier-town of the Low-Countries, in the earldom of Hainault, the marquissate of the territory of Brabant. The French took it in 1697, but restored it to the Spaniards the same year by the peace of Ryſwick: And the confederates (under the com-

mand of monsieur d' Auverquerque) took possession of it the present campaign. It stands on the river Dender, fourteen miles almost north-west of Mons, twenty-two almost south-west of Brussels, and twenty-four south of Ghent.

1706. sieges of Valencia and Gironne. He was advised to begin with the reduction of Valencia; not only as it lay nearer, and was easier come at, but as, by that means, the disposition to revolt would be checked, which might otherwise increase and spread farther. This advice, however, was over-ruled by France, where little regard was had to the Spaniards. It was therefore resolved (upon the arrival of a courier from France) to begin with the siege of Barcelona. There king Charles himself lay; and, on taking it, all the rest, it was reckoned, would fall. Pursuant to this scheme, the French resolved to send every thing necessary for the siege, and the count of Toulouse was ordered to lie with the fleet before the place, whilst it was besieged by land. It was concerted to begin the siege in March; for they knew, that, if they began it so early, our fleet could not come in time to relieve the town. But two great storms, that came soon after one another, did so scatter their tartanes, and disable their ships of war, that, as some were cast away, and others much damaged, so they all lost a month's time; and it was not till the 6th of April, that king Philip's army (consisting of thirty-seven battalions, and thirty-one squadrons) opened the trenches before Montjuic, which, through the obstinate resistance of the English and Dutch garrison, and the slowness of the attack, occasioned by the death of the French engineer Lapara, held out twenty-two days. The French seemed to think, there was no danger of raising the siege, and that therefore they might proceed as slowly as they pleased. The town was under such a consternation, that nothing but King Charles's presence could have kept them from capitulating the first week of the siege. There were some mutinies raised, and some of the magistrates were killed in them. But the king came among them on all occasions, and both quieted and animated them. After Montjuic was taken, the city was still more pressed. The earl of Peterborough came from Valencia, and was upon the hills, but could not give them any great assistance (a) Some few from Gironne and other places

Barcelona
is besieged
by the
French
and Spaniards.

got

(a) Dr. Friend, in his account of the earl of Peterborough's conduct in Spain, p. 53. observes, 'That the earl's conduct was as steady in the relief of Barcelona, as it was in the taking of it; and that in this, as in most of the events of the war, his lordship overcame all the obstacles, that could be thrown in his way, by the ministers of the Spanish court. As soon as his lordship perceived, that the enemy's design

the town. The French engineers (after Lapara's performed their part with little skill and success. ant winds were all this while so strong, that it was le for Sir John Leake, with the confederate fleet, up so soon as was desired. Leake sailed from Liff- ne end of March. He very narrowly missed the Galleons,

1706.

upon Barcelona, he found methods to sling five
some of the troops in hundred men into the town,
to march, and rein- which was thought humanly
t garrison. The king, impossible. And he brought
as persuaded, they the forces which so much con-
ther make an attempt tributed to the relief of the
rida, countermanded city, without abandoning Va-
lers of my lord, and lencia, or any foot of ground,
ittle apprehensive of that he had gained in Spain.
a's being in danger, He maintained his post upon
ufficiently warned of the hills for near a fortnight,
tters from his lord- with about two thousand five
; even when the ene- hundred men, never above a
within five leagues of league or two from the ene-
, his majesty had but my, whom he kept in per-
red men in it. My petual alarms. And by the
like manner, was constant vigilance he used,
the court to abandon and the exact intelligences he
, in order to secure procured, he continued in the
t, and by the most neighbourhood of such an
etters and commands army to the last, till he made
ged to such rash and a march of about seven
e attempts, as must leagues, with so critical a dis-
ved the certain ruin position, that all his foot came
rces under his com- in a fleet of boats he had pre-
nd the loss of the pared, to the number of three
son. But, in all these or four hundred, and landed
and desperate cases, at the same time with the
ip not only took the troops that were on board
olutions, but, with the navy. The throwing in
e fortunate to himself of so seasonable a reinforce-
s the public, never ment into Barcelona, under
o secure the unani- such circumstances, was as
sent of all in coun- great a disgrace, as happened
r, and gave in wri- to the French, except that of
ehand the reasons, their rising from before the
ver failed of being town immediately after For
y the events. Whilst the garrison even with this
was incompassed by addition, was not stronger,
sea (after the loss than when my lord Peterbo-
ntjuic) his lordship rough took it with little more

1706. Galleons, but he could not pursue them, for he was to lose no time, but to haste to Barcelona. His fleet was increased to thirty ships of the line, by the time he got to Gibraltar; but, though twenty more were following him, he would not stay, but hastened on to the relief of the place, as fast as the wind served. But when their strength, as well as patience, was almost quite exhausted, the wind turned, and Leake arrived on

‘ than a third part of their
‘ army. In order to secure this
‘ great advantage, when it
‘ should happen, the earl of
‘ Peterborough, notwithstanding
‘ all the haste he made from
‘ Valencia to Barcelona, had
‘ visited, fortified, and secured
‘ all the passes behind him, so
‘ as to oblige (with an incon-
‘ siderable number of regular
‘ troops, and the country peo-
‘ ple) the whole army of mar-
‘ shal de Theffe intirely to a-
‘ bandon Spain, into which, had
‘ my lord’s advice been follow-
‘ ed, they had never to this
‘ day returned.’

In opposition to this account of Dr. Friend, the author of the impartial inquiry into the management of the war in Spain, p. 81, observes, That, however the doctor boasts of the earl of Peterborough’s intelligence, yet it does not appear, from his orders or letters of that date, that he was under any apprehensions for Barcelona, on the 19th of March 1705-6, O. S. tho’ the enemy invested it within three days after; the earl’s orders being for the fleet and forces to come to Altea or Denia; though, before the admiral received those orders, he received letters from the king of Spain and prince Lichtenstein, of the 26th of March, of a very different im-

port; wherein the admiral is desired to come to Barcelona with all possible diligence with the ships, troops, and money, which the queen of Great-Britain designed for king Charles’s service and the relief of Catalonia. But, by the 7th of April, N. S. the earl’s eyes seem likewise to have been opened; but the news appeared to have been a perfect surprise to him; for, in his letter to Sir John Leake from Valencia of that date, he talks of the relief of Barcelona as a matter desperate, and would compound for the safety of the king’s person. It appears likewise, that his lordship was still of opinion, that all the forces, ammunition, and money, should be landed at Denia, Altea, or the grove of Valencia; and his letter to Sir John Leake, of the 22d of April, shews, that he was even then of opinion, that the forces should be landed no nearer than Tarragona, except a thousand men to be put on board the men of war, in order to be thrown into Barcelona by sea, if it should be requisite; so that it might justly be said, that the admiral relieved Barcelona, if not contrary, at least not pursuant, to the earl’s method. It cannot indeed be denied, that his lordship had got some troops ready in small embarkations of

on the 8th of May, N. S. As soon as the count de Toulouse, who with his Squadron had kept the city blocked up by sea, had intelligence that Leake was near him, he sailed back to Toulon. Marshal de Theffe, with king Philip, who was in the camp, but not once named in any action, continued three days before Barcelona, after their fleet sailed away. They could then have no hopes of carrying it, unless a storm at sea had kept the confederate fleet at a distance. At last the siege was raised on the 12th of May, N. S. with great precipitation, and in much disorder. Their camp was left well furnished, and the sick and wounded could not be carried off. On the day of raising the siege, as the French army was marching off, the sun was eclipsed, and it was total in those parts. And though no weight is to be laid on such things, yet the vulgar being apt to look on them as ominous,

1706.

The siege is raised.

of Vineros or Mattero, to take the opportunity of slipping them into the town under the protection of the fleet; and that he came on board Sir John Leake from the same place, and hoisted his union-flag at the main-top mast-head; but all the measures for the relief of Barcelona, had already been concerted, and in a manner executed. For Sir George Byng, Sir John Jennings, and admiral Wassenaer, made sail before the fleet, cast anchor in the road, and by Sir George Byng's order a good body of forces were actually thrown into the town, before one half of the fleet knew that the earl of Peterborough was aboard, who indeed, upon his arrival at Barcelona, thought proper to approve of what Sir George Byng had directed. Upon the whole, the author of the Impartial inquiry concludes, that notwithstanding Dr Friend has attributed so great a share of the relief of Barcelona to the earl of Peterborough; it is

evident he knew nothing of the enemy's designs upon that place three days before they had actually invested it: Five days after he knew the town was besieged, his lordship was of opinion for landing all the succours in the kingdom of Valencia; and twenty days after, no nearer than Tarragona. Now to say nothing of the unparalleled dispatch made by Sir John Leake and Sir George Byng, in bringing the fleet and succours to the relief of Barcelona in so critical a time, contrary to my lord Peterborough's opinion; let any indifferent person judge whether that place had ever been taken, if his lordship's opinion in the fleet to deny the assistance of the seamen, and his haste to be going into Italy, had been complied with; or, if it had ever been relieved, if his lordship's orders had been obeyed, which were directly opposite to the king of Spain's interest and desires.

1706.



nous, it was censured as a great error in marshal Thellé, not to have raised the siege a day sooner; and that the rather, because the French king had made the sun, with a motto, *Nec pluribus impar*, his device. King Philip made all the haste he could to Perpignan; but his army was almost intirely ruined before he got thither.

Alcantara
taken.

At the same time the campaign was opened in Catalonia, it was also begun on the side of Portugal. The earl of Galway had full powers, and an army of about twenty thousand men, well furnished in all respects: he left Badajox behind him, and marched on to Alcantara. The duke of Berwick had a very small force left him, to defend that frontier: it seems, the French trusted to the interest they had in the court of Portugal. The duke's troops were so bad, that he saw, in one small action, that he could not depend on them: he put a good garrison into Alcantara; where their best magazine was laid in. But, when the earl of Galway came before the town, within three days the garrison, consisting of four thousand men, delivered up the place, and themselves as prisoners of war: the Portuguese would have stopped there, and thought they had made a good campaign, though they had done no more: but the English ambassador at Lisbon went to the king of Portugal, and pressed him, that orders might be immediately sent to the earl of Galway to march on: and, when he saw great coldness in some of the ministers, he threatened a present rupture, if it was not done: and he continued waiting on the king, till the orders were signed, and sent away. Upon receipt of these, the earl of Galway advanced towards Placentia, all the country declaring for him, as soon as he appeared; and the duke of Berwick still retiring before him, not being able to give the least interruption to his march. But, as there was no manner of communication over land between Barcelona and Portugal, when the earl of Galway had forced a pass at Massagona, where the enemy had intrenched themselves, and was advanced as far as the bridge of Almaraz, the Portuguese, doubting the issue of the siege of Barcelona, unanimously resolved to engage no farther, till they saw how that siege ended. Accordingly, they ordered their army to march aside to Ciudad Rodrigo, on pretence that it was necessary to secure their frontier, by taking that place. From thence they advanced to Salamanca. But, upon the news of the raising the siege of Barcelona, they marched on towards Madrid, the duke of Berwick only observing their motions, and still retiring before them. King Philip
went

went with great expedition, and a very small train from Perpignan to Navarre; and from thence post to Madrid on the 6th of June; but finding that he had no army which he could trust to, the grandees being now retired, and looking as so many dead men; and he seeing, that the Portuguese were still advancing, sent his queen to Burgos, and followed her in a few days, carrying with him what was valuable in his palace; and it seems, he despaired of ever returning thither again; since he destroyed all that he could not carry away; in which he acted a very extraordinary part, for he did some of this with his own hand, as was universally believed at Madrid *.

The capital city being thus abandoned, the earl of Galway came to it by the end of June. He met with no resistance indeed, but with as little welcome. An army of Portuguese, with an heretic at their head, was certainly a very strange sight to the Castilians, who retained all the pride, without any of the courage of their ancestors. They thought it below them, to make their submissions to any but king Charles himself; and if he had come thither immediately, it was believed, that the intire reduction of Spain would have been soon effected. It is not certain what made him stay so long as he did at Barcelona, from the beginning of May till near the end of July (a). Those about him pretended,

1706.

King Philip comes to Madrid, and soon leaves it.

* Burnet.

The earl of Galway comes there, but king Charles delays too long his coming thither.

(a) The earl of Galway, in his narrative, observes, That, if the Portuguese had marched directly to Madrid from the bridge of Almaras, after they had forced a pass at Massagona, where the enemy had intrenched themselves, as the generals of the allies would have persuaded them, 'in all probability, says he, we should have arrived there at the same time with the news of the duke of Anjou's being returned to France; the duchess must have been obliged to escape alone, and the tribunals being still there, it is very likely the war would have been over. Some of the Portuguese were willing to go back, and besiege Badajoz, which was intirely 'laying aside all thoughts of 'Madrid; but others for attacking Ciudad Rodrigo, and, by joining with those, I engaged them, after the taking of that place, to go to Madrid. But the time which was lost on this occasion, had given the duke of Anjou an opportunity of returning from France to Madrid, from whence he withdrew the court, and all the tribunals, before the army could reach that place; so that, upon our arrival there, we found Madrid an open village; and the troops having been extremely weakened by so long a march, were not above four thousand horse, and eight or ten thousand foot. The Portuguese generals,

1706. pretended, that it was not fit to go to Madrid, till he was well furnished with money to make a decent entry. General Stanhope offered to furnish him with what was necessary for the journey, but could not afford a magnificent equipage for

generals, and those of the allies, thought it highly necessary the king of Spain should come to Madrid as soon as possible. For, besides the advantage his presence might have been to his own affairs, it was of the last importance to us, to be immediately joined by the forces with the king, and under the earl of Peterborough's command, not being strong enough without them to attack the duke of Anjou, who had already received some succours from France, besides the five thousand five hundred horse, and eight thousand foot, of which the duke of Berwick's army consisted, after he had been joined by the Conde de las Torres. Being perfectly informed of the enemy's strength and motions, and having great reasons to believe, that if we were joined in time by all the forces with the king and the earl of Peterborough, we might, in this favourable conjuncture, drive the duke of Anjou intirely out of Spain, make ourselves absolute masters of that kingdom, and put an end to an expensive war; all the while we lay at Madrid and Guadalaxara, I dispatched every day one or more expresses, and the greatest part of them officers, with letters to the king of Spain and to my lord Peterborough, representing to them both the importance of our being joined forthwith, and earnestly desiring that no time might be lost in improving so critical a juncture. As the next best method to advise our friends of our arrival at Madrid, the first Gazette day after we got thither, I caused it to be published in the Gazette, that we were there, and expected in a very few days to be joined by the king and the earl of Peterborough, hoping, that the natural curiosity of the Spaniards would give a printed news-paper a free passage. But, notwithstanding all the diligence that was used in this matter on our part, near six weeks were elapsed at Madrid and Guadalaxara, before we received any advice, that the king was upon his march to join us; and, in the meantime, the duke of Anjou's army was so much increased by daily reinforcements from several parts, that he was now become superior in number to us, even after we were joined by those forces, which the king and my lord Peterborough brought along with them. And I must say, that it is the general opinion, and I do verily believe, as the Portuguese lost one fair opportunity of putting an end to the war, by not marching directly from the bridge of Almaras to Madrid; so we lost another, for want of being joined in time by the forces under the command of the

for a solemn entry. The king wrote a very pressing letter to the duke of Marlborough, representing his great necessities, and desiring greater supplies. The duke sent over this letter to the lord-treasurer; but little regard was had to it, because

the king of Spain and the earl of Peterborough. And whereas that noble lord is pleased to aver, that he never received any advice from me of my arrival at Madrid with the Portuguese; and as an argument of my neglect of him on that subject, produces an instance of one officer, that happened to pass through his quarters with letters from me to the king, and none for his lordship, I am obliged to observe, that I gave this officer an hundred pistoles, and ordered him to go directly to the king of Spain, who then lay at Saragossa; but he was accidentally forced to go out of his way to avoid one of the enemy's parties, which was the true occasion of his passing through the earl of Peterborough's quarters at Valencia, contrary to his first intention. But several other officers, who were dispatched by me to the earl, assured me they had the honour to deliver him those letters, which I writ his lordship from Madrid and Guadalaxara. And, even taking the fact to be as the earl of Peterborough is pleased to state it himself, it is plain his lordship had at least some verbal informations from that very officer that passed through his lordship's quarters, and consequently could not be altogether ignorant, either of the place where the Portuguese army lay, or

of the necessity of joining them without loss of time. After the general had got king Charles proclaimed at Madrid, it was thought fit to advance to Guadalaxara, where we had at last advice, that the king was coming to join us; and, at the same time, were informed, that the duke of Anjou was at Guadalaxara, to which place we marched to prevent the enemy from intercepting the king. Upon our approach the duke of Anjou repassed the river; which little advantage we contented ourselves with, for it was not thought adviseable to follow and attack him on the other side, being advantageously posted, and stronger than we. We staid here two days, and, when we thought the king was out of danger, we again retired to Guadalaxara, where we were joined by his majesty and my lord of Peterborough, with two regiments of Spanish dragoons, and part of Pierce's; for his lordship had left behind him, in several places, thirteen battalions of Pierce's, and two other intire regiments of dragoons. So soon as the armies were joined (having, upon my arrival at Madrid, sent captain Montague to give the queen an account of our march, and to desire her majesty's leave to retire) I waited upon my lord Peterborough, offering him the command of
3 the

1706.

because it was suggested from many different hands, that the prince of Lichtenstein was enriching himself, and keeping his king poor. Others pretended that the true cause of the delay was a secret amour of the king's at Barcelona. But

the English, and to receive his orders, till I should have the queen's leave to go home. But, because the marquis das Minas would not do so too, my lord Peterborough chose not to stay with the army, and within a few days after went away.' But let us see what the earl of Peterborough says on his part, in his answer to the second question proposed to him by the house of lords on the 5th of January 1710-11, in these terms, That the earl of Peterborough may acquaint the house of what he knows of the earl of Galway's proceedings, during his stay with the army at Madrid, his march to Guadalaxara, and his retreat to Valencia; and, if he knows any thing of the opposition made by the king of Spain, the count de Noyelles, and the Spanish ministers and generals, to those measures?

To this the earl answered, That, from the time the earl of Galway came first into Spain as far as Almaras, and thence returned back into Portugal, the earl of Peterborough had no advices from the earl of Galway, no account of the motives of that retreat, or any hopes given him of the return of the Portuguese into Spain. That, after the raising the siege of Barcelona, and the retreat of the French army out of Catalonia, the earl of Peterborough received no letter or

message from the earl of Galway after his second entrance into Spain, nor had the least notice of his situation, circumstances, or designs, till he saw his troops retreating from the enemy to take the strong camp of Guadalaxara; though the marches of the king from Arragon, and those of the earl of Peterborough from Valencia, were well known in the Portugal camp. That two several officers, sent by my lord Galway, came to Valencia, and brought no letters to the earl of Peterborough, one of them demanding money for the pursuit of his journey. That, as to the persons who advised the king to go by Arragon, and not by Valencia, he knows no farther (being at that time absent from his majesty) but that, having ever extremely opposed it, and having writ to the secretary of state at his first coming to Valencia against it, he received an answer to this purpose, That he hoped the earl of Peterborough would bear the mortification and disappointment with patience, since the king was so resolved; and a messenger by the appointed token, known to be sent by my lord Galway, had given notice, that the said earl expected the king by the way of Arragon, and had given to understand how every thing was prepared for his reception that

But whatever the cause was, the effects proved fatal. It was first proposed, that he should march through Valencia, as the nearest and much the safest way; and he came on that design as far as Tarragona. But advice being brought him

‘ that way.’ The third question proposed to the earl of Peterborough was in these terms: That the earl of Peterborough acquaint the house what advices his lordship received from the earl of Galway at Madrid, in order to concert any public measures? And what his lordship knows of the reasons, that induced the king of Spain to go by Arragon towards Madrid, and not by Valencia? To which he answered, ‘ That the earl of Galway continued about forty days at Madrid, without making any endeavours to augment his troops, or provide any magazines for the subsistence of his army. That, meeting the enemy unexpectedly, and retreating to the camp of Guadalaxara, the troops were without provisions, and in the greatest disorder. That the measures taken in that retreat, where five thousand men were lost without a blow, and their whole cavalry ruined, were all positively against the king’s opinion, and that of all officers and ministers. That the earl of Peterborough had the accounts he gives from the king of Spain’s own mouth, and several of his generals; and it will particularly appear by letters from count Noyelles, velt-marshal of the emperor, and general to the king of Spain, and from Mr. Stanhope; which letters the earl is ready to produce, And

‘ that [it is notorious to the whole world, that if the earl of Galway had pursued the enemy ten days longer towards the Ebro, all the horse under the marshal of Berwick had deserted to king Charles, and the French could never have returned to Spain.’ The earl of Galway, in his reply, to the earl of Peterborough’s answers to the five questions proposed to him by the lords, speaks thus: ‘ In his lordship’s answer to the second question, he is pleased to aver, That from the time the earl of Galway came first into Spain as far as Almaras, and thence returned back into Portugal, the earl of Peterborough had no advices from the earl of Galway, no account of the motive of that retreat, or any hopes given him of the return of the Portuguese into Spain. What his lordship says upon this occasion is very true; for, whilst he was at so great a distance besieged in Barcelona, and the duke of Berwick with a considerable body of horse between him and us, it was to no purpose to think of sending dispatches by land: neither was it necessary to inform the enemy that way, that the Portuguese were resolved, (notwithstanding the repeated instances of the foreign generals to the contrary) to return back again to their own country, after their army had advanced as far as the bridge

1706. him there, that the kingdom of Arragon was in a good disposition to declare for him, he was diverted from his first intentions, and prevailed on to go to Saragossa, where he was acknowledged by both kingdoms: but he lost much time,

‘ bridge of Almaras. But, when we got to Madrid, I immediately sent so many expresses with letters, both to the earl of Peterborough and the king of Spain, that it was morally impossible his lordship could have been ignorant above eight days of our arrival there. And I have since been assured by the inhabitants of Barcelona, that they were all informed of it by that time; from whence I must conclude, that his lordship’s delays in joining with us were voluntary, and not occasioned by want of intelligence. I have asserted in the Narrative, which I delivered in to this most honourable house, that I do verily believe, if the Portuguese army had been joined in time, after their arrival at Madrid, by the forces with the king of Spain, and under the command of the earl of Peterborough, we might have been able to have driven the duke of Anjou out of Spain, and have put an end to an expensive war. Nor was this my opinion only, but that of all the world at that time. And I find his lordship thinks it so far imports him to be clear of this imputation, that he is resolved to be rid of it at any rate. For certainly nothing less than an apprehension of this nature could have made him aver a fact so improbable as that, where, in his farther

‘ answer to the same question, he says, That he received no letter, no message from the earl of Galway,—after his second entrance into Spain; nor had the least notice of his situation, circumstances, or designs, till he saw his troops retreating from the enemy, to take the strong camp of Guadalaxara. Now what could be the design of his lordship’s marching to Guadalaxara with so small a body of troops, as is mentioned in my narrative, unless he knew he was to meet us there? Besides, his lordship forgets, that he came not to Guadalaxara, till some days after the Portuguese had been actually encamped there, as I can make appear by the oath of several officers; and consequently it was impossible for him to have seen us retreating thither. I believe it may be necessary upon this occasion to repeat, that when his lordship did join us, he brought no more English troops with him than one regiment of dragoons, and a detachment of another, though he had actually at that time under his command in Spain thirteen English battalions and four regiments of dragoons; as likewise, that the officer, who (his lordship says) passed thro’ his quarters with letters for the king of Spain, and none for him, was never designed to have gone within several leagues

time, and more in the reputation of his arms, by delaying so long to move towards Madrid; so that king Philip recovered his spirits, and returned from Burgos to Madrid. The earl of Galway was very uneasy at this slow motion, which

leagues of his lordship, unless he had been obliged to it by a party of the enemy, as I have already explained more at large in my Narrative. And I cannot help observing, it is very improbable, that that officer should have had occasion to apply to the earl's secretary for money, because I gave him an hundred pistoles at the time I dispatched him. In his lordship's answer to the third question, he is pleased to say, That the earl of Galway continued about forty days at Madrid, without making any endeavours to augment his troops, or provide any magazines for the subsistence of his army; that, meeting the enemy unexpectedly, and retreating to the camp of Guadalaxara, the troops were without provisions, and in the greatest disorder. In reply to this paragraph, I do affirm, that the Portuguese staid no longer time at Madrid than was necessary to get the king proclaimed there, which did not exceed ten days; then advanced as far as Guadalaxara, and afterwards to Guadaraxa, about sixty miles beyond Madrid, where we obliged part of the duke of Anjou's troops to repass the river, but were not willing to engage them at a time when we had reason to expect we should have been joined in a very few days by the forces with the king of

Spain and earl of Peterborough, which was the only secure method left us to augment our troops; for it would have been very imprudent to have attempted to form corps of the Castilians, who were intirely devoted to the duke of Anjou's interest. But all the officers of the army knew we were so far from wanting provisions ourselves, that we sent a convoy of eight thousand livres to meet the king and earl of Peterborough, which, by their delay in not advancing fast enough, grew mouldy, and was afterwards pillaged by the peasants. His lordship's information of our want of intelligence of the enemies motions, and of our disorder upon the retreat, are as great mistakes as the former; for the occasion of our advancing to Guadaraxa, was purely to posit ourselves in such a manner, as to prevent the enemy from marching or sending detachments to intercept the king of Spain; and, when we had reason to believe him out of danger, we returned to Guadalaxara, there to be joined by the king and earl of Peterborough. Nor was it possible for his lordship to have seen our disorder, had there been any, because, as I have already observed, he came not to Guadalaxara himself, till some days after we had been incamped there. Notwithstanding the earl of Peterborough

1706. which king Charles made. King Philip had some more troops sent him from France; and, the broken bodies of his army being now brought together, he had an army equal in numbers to the earl of Galway, and marched up to him; but,

Peterborough is pleased to say, 'That we lost five thousand men in the return to Valencia, without a blow, and intirely ruined our whole cavalry; it is certain, our loss upon that occasion was very inconsiderable, if any; and the retreat made in so good order, that the enemy (superior as they were in number) never durst venture to attack us, after the warm reception twenty-two of their squadrons met with from two battalions under the command of colonel Wade, in the town of Villa Nova, notwithstanding we were obliged to cross plains and rivers in their view. And though his lordship avers, in his answer to this question, 'That this retreat was made against the king's opinion, and that of all his officers and ministers, it is certain, the retreat was concerted and agreed upon in a council of war. It is true, some persons about the king seemed at first inclinable to have taken quarters in Castile; but that was soon after found impracticable; for none of those squadrons, who were best acquainted with the country, could make a disposition of quarters, where the troops could be secure: and therefore it was resolved immediately to cross the Tagus, before the approaching rains should have rendered the fords impracticable; which being done, our next design was to have lodged ourselves behind the river Xucar. But neither could this be done without taking a small town with a castle upon that river, that commanded a bridge, where the enemy had a garrison; and therefore a disposition was made for attacking this town: but, by the delay of the king's generals, the execution of this matter was so long deferred, that the enemy had already reinforced their garrison, and were advanced so near with a superior force, that it was not thought advisable to attempt the place. Thus the only resource left us was the kingdom of Valencia, whither we were absolutely obliged to retreat, that we might preserve our communication with the seas, and canton with security. Nor is it to be wondered, that count Noyelles, in his letter to the earl of Peterborough, should seem dissatisfied with the measures that were then taken, since it is well known, that general used underhand to ridicule those very opinions in councils of war, to which he had given his own assent. For being disappointed of the command of the army (which was what he expected at his first arrival) he seemed resolved, that no other general should have an army to command.'

ice so much depended upon the issue of an action, the earl of Galway avoided it, because he expected every reinforcement to be brought him, both by king Charles, the earl of Peterborough from Valencia. In order therefore

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reader, who has an inclination to see a larger detail of the conduct of the earls of Galway and Marlborough, may

Dr. Friend's account of the management of the war in Spain; which latter is a confutation of the earl of Marlborough's historian, supported by a great number of papers; among which is a memorial of count Galas to Anne, dated 22^d of 1706, shewing the principal reason why the catholic majesty was so detained at Barcelona, obliged to chuse the way of Saragossa, rather than that of Madrid, in order to his coming to Madrid, and to expose himself to all the inconveniences, which the delay of his arrival in the said city might have occasioned.

This reason is charged upon the earl of Peterborough. For, it had been agreed, that he should embark some troops and transport them to sea, whither his majesty would come by land with the rest of the forces designed for that purpose, after which they were to march jointly to Madrid, instead of giving the assistance or relief, by the way of Valencia, which is most impracticable, and that by Saragossa; so that his majesty, having nothing to fear from the earl, and it being impossible for him to

carry his troops so far through an enemy's country, without any means of subsisting them, was obliged to accept of the offer of the inhabitants of Arragon, who had newly declared for him, and invited him thither. 'It is true, says the memorial, that my lord Peterborough, when he had warning given him, that he would become answerable for the inconveniencies that such an alteration of the route might produce, afterwards wrote to the king, as appears by his letter of the 5th of July, that he had found all that was necessary for his majesty's occasions: but he did not do it before it was too late, and till such time as his majesty was already upon the road to Saragossa; which obliged him to return the following answer to the said lord:'

"You represent to me the importance of my going immediately to Madrid, and propose to me the way by Reguena, as the shortest and securest from insults. You tell me the dispositions, both of men and money, you have now made for accompanying my person; and further offer me to come to me to concert the rest, which might contribute to the good success of this undertaking; for which I am very much obliged to you. But being upon the road to Arragon, and engaged to pursue my march

1706. therefore to facilitate this conjunction, he moved towards Arragon; so that Madrid was again left to be possessed by king Philip. At last, in the beginning of August, king Charles came up, but with a very inconsiderable force. A
few

“ that way, I am willing to tell
 “ you the chief reasons that
 “ have induced and obliged me
 “ to take such a resolution.
 “ Several of your former letters
 “ mention the concern you
 “ were in, that you could not
 “ supply me with any money:
 “ That your foot was almost
 “ intirely ruined and useless:
 “ That you could not find mules
 “ for the baggage: And that;
 “ in short, you could not make
 “ one step in such a juncture
 “ for my service. To this you
 “ farther added an account,
 “ that in my passage through
 “ the kingdom of Valencia,
 “ I should want every thing;
 “ and therefore having not the
 “ necessary funds to defray
 “ the expence of the journey,
 “ the troops I should bring
 “ would be ruined in a short
 “ time and my person expo-
 “ sed to great inconveniences
 “ and disadvantages. So that,
 “ seeing the inclination and
 “ fidelity, which the kingdom
 “ of Arragon began to shew
 “ towards us, I took the re-
 “ solution, out of necessity, to
 “ turn this way, where I hope,
 “ from a country abounding in
 “ provisions, for a subsistence
 “ for my retinue and my troops,
 “ besides the supplies, which
 “ my faithful subjects may pre-
 “ sent me. With this prospect
 “ I ordered some regiments to
 “ march to the frontiers, where
 “ I now am; and the province
 “ having ordered it so, that
 “ Saragossa, the capital, has
 “ openly declared for me; it
 “ seems becoming my royal
 “ dignity to go myself, and take
 “ possession of that crown; and
 “ the rather, since by the same
 “ way I can advance towards
 “ Madrid, and making use of
 “ the favourable conjuncture,
 “ join with the king of Portu-
 “ gal’s army; not doubting but
 “ the generals of the allies, that
 “ command it, will send some
 “ detachments forward to co-
 “ ver, as I desire, my march to
 “ that capital, being resolved to
 “ make but a short stay at Sara-
 “ gossa, and then to march that
 “ way, which will be thought
 “ most secure and practicable;
 “ whereof I shall forthwith give
 “ you notice, in order to regulate
 “ afterwards the route, which
 “ the troops from Reguena, or
 “ the neighbourhood, are to take;
 “ in order either to meet me, or
 “ to secure elsewhere my pas-
 “ sage. I am willing to believe
 “ the road by Reguena is free;
 “ but yet I wonder, that by so
 “ easy a way you receive no
 “ news from my lord Galway,
 “ since there is nothing, that
 “ can hinder the communicati-
 “ on on that side.”
 “ Besides the reasons con-
 “ tained in this answer, there
 “ was yet another, which does
 “ not carry less force in it than
 “ those, viz. That his catholic
 “ majesty could repose like
 “ confidence in these promises,
 “ having fresh in his memory
 “ the example of what happen-
 “ ed at his departure from Lis-
 “ bon

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After, the earl of Peterborough came also with an rather than any strength, for he had not with him ve hundred dragoons. He was now uneasy, because ld not have the supreme command, both the earl of and count Noyelles being much ancier officers : was. But, to deliver him from the uneasiness of commanded by them, the queen had sent him the of an ambassador extraordinary; and he took that r on him for a few days. His complaining so much id, of the prince of Lichtenstein and the Germans, re still possessed of king Charles's confidence, made ry unacceptable to that king; so that he, without for orders from the queen, withdrew from the camp, d away in one of the queen's ships to Genoa. The fleet lay all the summer in the Mediterranean, obliged the French to keep theirs within Toulon. ena declared for king Charles, and was secured by our ships. The fleet came before Alicant: the seamen

When the earl, to engage tholic majesty to leave lace, assured him, that uld want for nothing: he had forty thousand , whereof eight thou- ad been given him by majesty the remainder is own money, besides ilimited credit upon and Leghorn. But were they arrived in nia, when his lordship, of giving any money, ded some, and obliged holic majesty to bor- and advance to him withal to make his first tion into Valencia. His c majesty hopes, that majesty will be fully ced by this relation, the of which is made evi- y the said lord's own hereto annexed, and e king's answers, that through mere unavoid- ecessity, that his catho- jesty did not set out

' sooner from Barcelona, and
' took the way by Saragossa,
' instead of that by Valencia.'

The earl of Sunderland like- wise, in a letter to the earl of Peterborough, dated at White- hall, Decemb. 11, 1707, has the following passage:

' As to your lordship's an-
' swer to the second head, her
' majesty is by no means satis-
' fied with it, because it does
' appear. by the date of your
' letter to the king of Spain,
' and from Mr. Stanhope's let-
' ter to you, to which you re-
' fer, that you did not, after
' coming to Barcelona, solicit,
' or pers the king of Spain to
' go by way of Valencia, till
' after he had taken the reso-
' lution of going by Saragossa,
' which resolution was also oc-
' casioned by the discourge-
' ments you had given him from
' going by way of Valencia for
' want of money, carriages, and
' all necessaries for the army.'

T 2

1706. seamen landed and stormed the town: the castle held out some weeks; but then capitulated, and the soldiers, by articles, were obliged to march to Cadiz. Soon after that, our fleet sailed out of the Straits, one squadron was sent to the West-Indies; another was to lie at Lisbon, and the rest were ordered home. After king Charles had joined the earl of Galway, king Philip's army and his looked on one another for some time, but without venturing on any action. They were near an equality, and both sides expected to be reinforced; so that, in this uncertainty, neither side would put any thing to the hazard.

Affairs of
Italy.
Brode-
rick.
Burnet.
Hist. of
Europe.

Notwithstanding his disgraces both in Spain and the Netherlands, the king of France was resolved to pursue his designs in Italy, where the duke of Orleans (upon Vendôme's being placed at the head of the French army in Flanders) was sent to command, with marshal Marfin to assist, or rather to govern him. As all the preparations for the siege of Turin were made, and as it was thought impossible for prince Eugene to attempt the relief of that place, the siege was begun in May, and continued till the beginning of September (1). The French were in hopes, that the taking of Turin, with the intire reduction of Piedmont, of which they seemed secure, would compensate their other losses. They boasted they had formed an army, under the duke de la Feuillade, for that enterprize, consisting of sixty-eight battalions and eighty-eight squadrons, two hundred and fifty officers of artillery, eight hundred gunners, two hundred and fifty bombardiers and miners, and four thousand pioneers; and that they had also provided for the siege a hundred and sixty pieces of heavy cannon, eighty mortars,

(1) Turin, a strong and splendid city of Italy, with a fine castle; the marquissate of the principality of Piedmont, in the territory of Turin; an archbishoprick and university, subject to the duke of Savoy, and his seat. The French besieged it very vigorously the present campaign, and reduced it to great extremities: But, September the 7th, the duke of Savoy, and prince Eugene, relieved it, gaining a complete victory over their enemies. It stands in a

very fruitful pleasant plain, on the river Po, twenty miles north-east of Pignerol, seventy-eight almost west of Genoa and Milan, a hundred almost east of Grenoble and Cambray, a hundred and twenty south-east of Geneva, a hundred and fifty-four almost south of Lyons, two hundred and fifty west of Venice, three hundred and sixty south-east of Paris, three hundred and forty north-west of Rome, and four hundred and sixty south-west of Vienna.

a hundred thousand bullets, twenty-seven thousand bombs, one million and one hundred thousand pounds weight of powder, three hundred thousand weight of lead, eighty thousand grenadoes, &c. all which were laid up in the magazines of Casal, Crescentino, and Chivas. On the other hand, the duke of Savoy, who was resolved to defend the place to the last extremity, added new works to the fortifications. The French king, at the same time, used all possible methods to induce him to abandon the allies, by not only offering him the government of the Milanese for his life, but several millions of livres for repairing his fortified places, that had been demolished. But he rejected those proposals, and declared his resolution to adhere firmly to the interest of the grand alliance. The French king therefore determined to reduce him (if possible) by force, and immediately dispatched his orders to the duke de la Feuillade, to form the siege of Turin with the utmost diligence. Accordingly, he caused the lines of circumvallation and contravallation to be carried on; and the latter being finished by the 30th of May, N. S. and the other on the 2d of June, the trenches were opened the same night, both against the town and citadel. The duke, having the next day viewed the enemy's works, ordered the guards in the citadel, and at the gate Suza, to be doubled, and gave other necessary directions for the defence of the place; and, on the 6th of June, gave orders for the planting of sixty pieces of cannon on the bastion de la Consolaire, near the citadel, and upon some other works. The next day, the duke de la Feuillade sent monsieur de Marignan, his quarter-master-general, with a trumpet to the grand guard, to acquaint the duke, "That he had received orders from court, to form the siege of Turin; and, at the same time, to have all imaginable regard to the royal family there, and offer to them passports, with a guard, before the siege was begun." In answer to which, the duke sent word, "That he was very much obliged to the king for his offer: That he did not think at present to remove his family: That, whenever he should remove them, he should have no occasion for a pass or a guard: And that he might execute his master's orders, and begin the siege when he thought fit." On the 8th of June, therefore, the besiegers began to bombard the citadel and town, and continued the three following days without doing any considerable damage; and, at the same time, the besieged fired incessantly from their mortars, cannon, and small arms,

1706. which very much disturbed the enemy in their works, who, on the 15th, at night, began to fire on the besieged red-hot bullets, most of which fell near the duke's palace, but did very little harm. The next day, the two duchesses, with the young prince and princesses, left Turin, and went to Quierasco; and the duke of Savoy having received advice, that the enemy were marching towards Montcalier, in order entirely to surround Turin, he left his capital on the 18th, and, going to Carmagnole, put himself at the head of his horse, whence he sent six hundred of them under general Margini to Montcalier; but, on the 20th, the enemy's forces on this side the Po advancing thither, that general was forced to retire. On the 21st, Mr. Methuen, envoy extraordinary from the queen of Great-Britain to the duke of Savoy, came from Genoa by the way of Oneglia to Carmagnole, where he had audience of the duke. But that night, the duke receiving advice, that the enemy had laid a bridge over the Po at Montcalier, and intended to march that way the next morning, orders were given for decamping by break of day; and the duke marched from Carmagnole to Quierasco, and there passed the Stura, being closely pursued by the enemy, who attempted several times to put his rear into disorder, but were as often repulsed, and the duke made an orderly retreat. Soon after, he received intelligence, that the enemy were advancing to attack Quierasco, whereupon he removed the duchesses and princes to Mondovi, being accompanied, at the duke's request, by the Sieur Vander Meer, envoy extraordinary from the States-General. From thence they removed to Ceva; but, the duke imagining they were not safe there, he ordered them to retire into the territories of Genoa, where after many inconveniencies and dangers, they safely arrived about the middle of July.

The duke de la Feuillade, being wearied in the pursuit of the duke of Savoy, returned, the 5th of July, to the camp before Turin, to receive the duke of Orleans (who was come to take the command) leaving forty-five squadrons, under the count d' Aubeterre, with orders to pursue the duke of Savoy: Which pursuit proved advantageous to his Royal Highness, for, from the 10th of June to the 5th of July, great part of the force, employed in the siege of Turin, being engaged in this service, it not only very much retarded the progress of the siege, but gave prince Eugene an opportunity at last to come up time enough to relieve the place, in hopes of which relief, though the siege was vigorously

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roussly pushed on, it was as bravely defended. However, on the 4th of August, the enemy attacked the first counter-scarp of the citadel, and took it after a stout resistance, which lasted for about three hours, having twenty officers, three engineers, and three hundred men killed, besides four hundred wounded in the action. After this they continued to perfect their lodgments and batteries; but the besieged sprung so many mines, that they had no batteries ready till the 21st. On the 25th, in the morning, the besieged sprung a mine, which buried several men, blew up nine pieces of cannon, and threw down three out of five batteries, which were on the covered way. On the 26th in the night, the half-moon and counter-guards were attacked and carried by the besiegers; but those, who defended the half-moon, retired into a walled redoubt at the neck of it, and from thence to the flank of the bastions, and made such a terrible fire upon the enemy for three hours together, that, the next morning, they drove them from the counter-guards with such slaughter, that they owned themselves, they had in those attacks near five hundred men killed. On the 28th of August, the duke of Orleans arrived in the camp with forty squadrons, eleven regiments of dragoons, and forty battalions. The besiegers, encouraged by these reinforcements, on the last of August, made a second Assault upon the half-moon, and the two counter-guards before the citadel, but were repulsed with greater loss than before; the besieged making a terrible fire with their small arms, and springing several mines with extraordinary success; for, of seven batteries, some of five, others of six pieces of cannon, which the besiegers had on the covered way, not one was left, the mines of the besieged having ruined them all. But, though the French lost above fourteen thousand men before the place, yet the ammunition of the besieged was now so far spent, that they must have capitulated within a day or two, if they had not been relieved by prince Eugene, who made all possible haste for that purpose. The court of Vienna had not given due orders, as they had undertaken, for the provision of the Troops, which were to march through their country to join him. This occasioned many complaints and some delay. The truth was, that court was so much set on the reduction of Hungary, that all other things were much neglected, while that alone seemed to possess them. A treaty was set on foot with the malecontents there by the mediation of England and the States-General; and a cessation of arms was agreed to for two

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months. All, who belonged to that court, were very uneasy, while the cessation continued: They had shared among them the confiscations of all the great estates in Hungary; and they saw, that, if a peace were made, all these would be vacated, and the estates would be restored to their former owners; for which reason, they took all possible means to traverse the negociation, and enflame the emperor. There seemed to be some probability of bringing things to a settlement; but that could not be brought to any conclusion, during the term of the cessation; and when that was elapsed, the emperor could not be prevailed on to renew it. He recalled his troops from the Upper Rhine, though that was contrary to all his agreements with the empire. Notwithstanding all this ill management of the court of Vienna, prince Eugene got together the greatest part of those troops, which he expected in the Veronese, before the beginning of June. They were not yet all come up; but he, believing himself strong enough, resolved to advance; and he left the prince of Hesse with a body to receive the rest, and by them to force a diversion, while he was going on. The duke of Vendosme had taken care of all the fords of the Adige, the Mincio, and the Oglio; and had cast up such lines and intrenchments every where, that he had assured the court of France it was not possible for prince Eugene to break thro' all that opposition, at least to do it in any time to relieve Turin. By this time the duke of Orleans was come to take the army out of the duke of Vendosme's hands; but, before Vendosme had left it, they saw, that he had reckoned wrong in all those hopes, which he had given the court of France of stopping prince Eugene's march. For, in the beginning of July, that prince sent a few battalions over one of the fords of the Adige, where the French were well posted, and double their number, who yet ran away with such precipitation, that they left every thing behind them. Upon that the prince passed the Adige with his whole army, and the French in a consternation retired behind the Mincio. After this the prince surprized the French with a motion, which they had not looked for, nor prepared against, for he passed the Po. The duke of Orleans followed him, but declined an engagement; whereupon prince Eugene wrote to the duke of Marlborough, that he felt the effects of the battle of Ramillies, even in Italy, the French seeming to be every where dispirited with their misfortunes. Prince Eugene, marching nearer the Apennines, had gained some days march of the duke of Orleans, who, upon that, repassed the

Po, and advanced with such haste towards Turin, that he took no care of the pass at Stradella, which might have been kept and disputed for some days. Prince Eugene found no opposition there; nor did he meet with any other difficulty, but from the length of the march, and the heat of the season, for he was in motion all the months of July and August. At last, after having passed four great rivers, which served for ditches to the four intrenchments, which the enemy had made to hinder his passage, and, after thirty-four marches, his army arrived near Turin on the 30th of August. On the 1st of September, prince Eugene, joined by the duke of Savoy with his horse, and the whole army, passed the Po, on the 4th, between Montcalier and Carignan towards Quiers; and four battalions, and ten thousand militia, were left under the command of count Santena, with a certain quantity of powder to be thrown into Turin, in case the enemy should quit the hill, to oppose the confederate army with all their forces. On the 5th, the confederates incamped near the Doria, and, the duke of Savoy having intelligence, that a convoy of one thousand three hundred mules was coming from Suza, he caused the marquis de Visconti to pass the ford of Elpignan with the first line of the left wing, and the marquis de Langallerie to pass below Pianessa with the horse of the second line of the same wing, and so the convoy, being then come into the neighbourhood of that town, was inclosed between them. Monsieur de Bonel, who commanded the guard of the convoy, was beaten, and the regiment of Chatillon intirely defeated. That day eight hundred loaded mules were taken; and at night the castle of Pianessa, into which the rest of the convoy, and of the regiment of Chatillon, had escaped, surrendered with its garrison (consisting of eighty foot) at discretion. On the 6th, the confederates passed the Doria, and incamped with the right on the bank of that river before Pianessa, and the left on the Stura before the Venerie. At night all the troops were ordered to be ready to fight the next day, which order was received with inexpressible joy. On the 7th, at day-break, they marched to the enemy, who were intrenched up to the teeth, having the Stura on their right, the Doria on their left, and the convent of Capuchins de Notre Dame de la Campagne in the center; besides Luscingo and several other fortified calcines flanked their intrenchment. The confederate foot marched in eight columns, four in the first line, and as many in the second, and all the grenadiers of each column in the van. The artillery was divided in proportion

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Battle of
Turin.
Hohen-
dorf's let-
ter.

1706. portion among the foot. The right moved along the side of the Doria, and the left along the Stura. Behind the foot marched the horse; the first line in six columns, and the second in brigades. Never was any thing seen so bold and terrible as this march. The enemy fired continually with forty pieces of cannon; but all the fire served only the more to inflame the confederate soldiers, who, within half cannon-shot, formed into battalia; all their generals took their posts, their cannon began to fire, and all the instruments of war to sound. They left a proper distance betwixt the brigades of their foot, by which they might march their horse in case of need, which precaution was of great use to them afterwards. Upon notice, that all was in order, the whole army moved in a moment. The infantry marched up with their muskets on their shoulders to the foot of the intrenchment. Then the great fire of the muskets began; and, as, by the unequal situation of the ground, the confederate left wing sustained alone for some time the efforts of the enemy, that stopped them a little, but without making them give ground. At the same time prince Eugene came up, drew his sword, and putting himself at the head of the battalions on the left, broke into the enemy's intrenchments in an instant. The duke of Savoy did the like in the centre, and the right near Lusengo. In conclusion, the confederates triumphed on all sides, and their horse advancing through the intervals left for them, it was no longer a fight, but a pursuit. By noon the victory was compleat, and the city intirely delivered, for the enemy abandoned the attack, and the remains of their army retired to the other side of the Po. The rest of the day was spent in taking several casines and redouts possessed by the enemy, who all yielded themselves prisoners; and the duke of Savoy triumphantly entered his capital that evening.

The duke of Orleans, though he lost the day, yet gave great demonstrations of courage, and received several wounds. Marshal Marsin fell into the enemy's hands, but died of his wounds in a few hours. Upon him the errors of this dreadful day were cast; the duke of Orleans, with most of the chief officers, having declared for marching out of their trenches; but the marshal was of another mind, and, when he found it hard to maintain his opinion, produced positive orders for it, which put an end to the debate. But the greatest part of the censure fell on monsieur Chamillard, who was then in the supreme degree of favour at Court, and was intirely possessed of madam de Maintenon's confidence.

dence. The duke de la Feuillade had married his daughter; and, in order to the advancing him, he had the command of this siege given him, which was thus obstinately pursued, till it ended in this fatal manner. The obstinacy continued; for the French king sent orders, for a month together, to the duke of Orleans, to march back into Piedmont, when it was absolutely impossible; and the reason of this was understood afterwards. Madam de Maintenon (it seems) took that care of the king's health and humour, that she did not suffer the ill state of his affairs to be fully told him. He, all that while, was made to believe, that the siege was only raised upon the advance of prince Eugene's army, and knew not, that his own was defeated and ruined (1).

While

(1) The loss of the enemy amounted to four thousand seven hundred and six killed in battle, besides those slain in the retreat, and by the Vaudois. Count Merce, lieutenant-general, monsieur la Bretonniere, general of the horse; messieurs de Senneterre and Villars (marshals de camp) the marquis de Bonneval, brigadier, taken by his own brother, who left the French service, with the marquis de Langallerie, were made prisoners; as were likewise eight colonels, twelve lieutenant-colonels, six majors, ninety-eight captains, a hundred and eleven lieutenants, thirty-four cornets and ensigns, thirty engineers and commissaries of the artillery, and seven thousand six hundred and forty private men, including those taken in Chivas; the whole amounting to twelve thousand six hundred and seventy men. In the enemy's works the Germans found two hundred and fifty-five pieces of cannon, a hundred and eight mortars, seven thousand eight hundred bombs, thirty-two thousand

royal grenadoes, forty-eight thousand cannon-balls, besides a prodigious number in the ditches, &c. four thousand chests of musket-shot, and eighty-six thousand barrels of gunpowder. They took all their tents and baggage, five thousand horses, mules, and oxen, twenty-seven large boats loaded with ammunition, all their pontoons, four pictures of the French king set with diamonds, valued at four thousand pistoles. And monsieur de Carrest, commissary-general of the army, was taken, with all his mules so richly laden, that that part of the booty alone was valued at three millions of livres; to which must be added ten thousand horses of thirteen regiments of dragoons, which served for a very seasonable recruit to remount the confederate cavalry, but was such a loss to the enemy, as could neither soon nor easily be retrieved.

Count Daun, general of the artillery, had defended the city of Turin with all imaginable conduct and bravery; but the garrison suffered very considerably

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While this was done at Turin, the prince of Hesse advanced to the Mincio, which the French abandoned; but, as he went to take Castiglione, Medavi, the French general, surprized him, and cut off about two thousand of his men; upon which he was forced to retire to the Adige. The French magnified this excessively, hoping, with the noise they made about it, to balance their real loss at Turin; and they continued some time about Feneftrelles and Briançon, as if they had a design to return with their army into Piedmont, and, to give an air of truth to their pretences, made some preparations and unsuccessful attempts to pass through the valley of Aosta. But the duke of Savoy and prince Eugene, disregarding the reports spread by the French, were only intent upon improving their late advantages and present opportunities. All the places, possessed by the enemy in Piedmont, Montferrat, and Milanese, and the neighbouring provinces, were reduced one after another, some voluntarily, as Milan; others by force, and among the rest Pavia, Mortara, Alexandria, Pizzighitona, Tortona (the garrison of which was put to the sword) and Casal, the garrison of which was made prisoners of war, as well as those of many others; so that, except Cremona, Valenza, and the castle of Milan, which were blocked up, France lost at the conclusion of the campaign a vast country, the invading and keeping of which had cost prodigious sums of money, by a revolution no less surprizing than that which happened in the beginning of the campaign in the Netherlands.

There

ably in the siege, which lasted near four months; during which time, the enemy made such a terrible fire upon them, as can scarce be paralleled in any age. Out of the Imperialists in garrison, during the siege, three hundred and eleven were killed, five hundred and eighty-nine wounded, and a hundred and twenty-two taken prisoners; in all one thousand and twenty-six. Out of the troops of Savoy thirteen hundred and three were killed, seventeen hundred and twenty-two wounded, nineteen hun-

dred and fifty-eight deserters; the whole five thousand and ninety three. Out of the dismounted horse a hundred and forty-one killed, and a hundred and fifty-four wounded. Out of the men belonging to the artillery, there were seventy-one killed, seventy-five wounded, and forty-seven deserted; the whole loss amounted to six thousand six hundred and seven, besides near three thousand of the confederates killed or disabled in the battle.

There was another alarm given the French this summer, 1706. which heightened the disorder they were in after the battle of Ramillies. The queen and the states made great preparations for a descent in France, which was projected by the abbot de la Bourlie, brother to the count de Guiscard, lieutenant-general in the army of France, and governor of Namur when taken by king William. This abbot, upon a family disgust, having thrown up his abby, formed the airy design of restoring the civil and religious liberties of France; which the low condition of the kingdom, the general discontent of the people, and the united power of the allies seemed to encourage. In pursuance of his design, the abbot repaired to the southern provinces of France, where he settled a correspondence with several persons of note; especially among the Camisars, who had then taken up arms.

Designs for a descent in France. Burnet. M.S. • An Account of the marquis of Guiscard.

From thence he went to Turin, where he assumed the title of marquis de Guiscard. He was well received by the duke of Savoy, who honoured him with the rank of a general officer in his army; and gave him a recommendatory letter to the emperor. Pleased with this success he hastened to Vienna, and applying himself to prince Eugene (with whom he had been intimate in his youth) was by the prince's means made a lieutenant-general in the emperor's army, which served to give him credit and confidence with the maritime powers so absolutely necessary to his projects.

From Vienna the marquis came to the Hague, where he prevailed with the pensionary Heinsius to hearken to his proposals, and to give him such credentials, as gained him an easy admission to the duke of Marlborough; when he came over in the winter 1705-6. Whilst in Holland, the marquis published (as he had done at Turin) letters of exhortation to his countrymen, which he found means to disperse over France by way of manifestos. These were all penned in the style of enthusiast, of which he seemed to have a great tincture:

Thus supported and recommended he came into England, where he was favourably received; and grew into the good opinion and intimacy of Mr. Henry St. John, secretary of war (which

* The account of this descent, and the campaigns in Spain from 1706 to 1712, are chiefly taken from a manuscript narrative, by a chaplain in the army who was on the spot. It will be marked in the margin by the letters M.S.

1706. (which continued till within a short time of his death) and of other eminent persons. Never was an affair of such importance concerted and settled in so small a time. Guiscard was made lieutenant-general, and had the command of a regiment of dragoons, consisting of twelve troops, with the direction of six regiments of foot, all formed out of the French refugees on the Irish establishment, at least as to the officers. The marquis, on account of his religion, bore only the name of lieutenant-colonel. To these regiments were added as many English foot and dragoons, as amounted in the whole to ten thousand foot and one thousand two hundred horse. A report of Guiscard's commanding in chief caused two refugee general officers to desire to be excused serving in the expedition. But this report was without any ground, for the command of the land-forces was conferred on earl Rivers, and of the fleet on Sir Cloudesley Shovel. It was the 30th of July before the forces and a large train of artillery, under the command of colonel Richards, were all embarked. Earl Rivers went on board the *Barfleur* that day, and fell down with the fleet to *St. Helen's* to wait the coming of the Dutch, who were detained in the Downs by contrary winds, and did not join the fleet till the 13th of August near Plymouth. Next day the whole fleet, consisting of one hundred and fifty sail, was forced into Torbay, where a council of war was held on board the admiral. At this council Guiscard, who, the moment the fleet put to sea, had been acknowledged lieutenant-general, had the mortification to see the project he had been so long contriving entirely demolished. Earl Rivers, who had opened his orders the day before he got into Torbay, found himself authorised to examine Guiscard very strictly concerning the descent, and, to the great surprize of the board, he had nothing but probabilities and a few correspondents to go upon, and therefore the council came to some resolutions very disadvantageous to Guiscard, which were immediately sent up to court by an express. The politicians were at a loss, nor is it known to this day what could induce England and Holland to make such an armament upon so weak a foundation. Indeed, if a diversion was only aimed at by alarming the coasts of France, the design was in great measure answered. For the alarm was general. It put all the maritime counties of France to a vast charge, and under dismal apprehensions. Officers were sent from
the

1706.

the court to exercise them, but they saw what their militia was, and that was all their defence (1).

About the same time that the express came from the fleet, another arrived from the lord Galway, after his retreat from Madrid into Valencia, to solicit for succours, and the court was not long in suspense what to order. Instead of carrying on the alarm to France, the reduction of Spain was thought of much greater consequence, and therefore new orders were sent to the fleet to sail first to Lisbon, and there to take such measures, as the state of affairs in Spain should require. At the same time Guiscard was sent back to London, as were the officers of three of the French regiments of foot, the soldiers being left to compleat the rest; and rear-admiral Dilks was ordered to Portsmouth, with six of the largest men of war. In their short voyage they met with such a violent storm, that they were all six in danger of being lost, two of them being forced through the Needles, a thing unheard-of, and very hazardous, for first-rate ships.

The fleet, after having been detained near seven weeks in Torbay, by contrary and stormy winds, sailed at last the 1st of October, and arrived in three weeks at Lisbon. Earl Rivers went, November 3, to wait on the king at a little house at Alcantar, which, it was said, he hired for his health, but, more probably, to be near a convent of nuns, which was over-against this little house, where a beautiful English lady, sister to a considerable merchant, was shut up by her husband, a Portuguese of a great estate, upon the account of an intrigue with the king. In this house the king lived very privately, four or five straggling soldiers being about the gate in different coloured cloaths, without any regular sentry without or within, nor any other appearance of a king than a canopy he stood under, with only four persons with him very indifferently dressed; when he gave audience to the general.

(1) The manuscript narrative says, the duke of Roquelaure had an army of no less than forty thousand men to defend Guicour, and would have been ready to receive us, if we had gone to the intended place. These troops, he observes, would have been of great service to the French in Flanders. Burnet says, he saw one of the manifestos that earl Rivers was

ordered to publish upon his landing: He declared that he was come neither to pillage the country, nor to conquer any part of it: He came only to restore the people to their liberties, and to have assemblies of the states, as they had anciently, and to restore the edicts to the protestants, promising protection to all that should come and join him.

1706. general. He received the earl with his hat off, and with great civility, saying, he was glad to see him, and approved much of his going to join the king of Spain. In this he was not thought sincere, for he would fain have kept the army in Portugal. He spoke always to strangers by an interpreter, for the palate of his mouth was so much damaged, that even the Portuguese, that were not admitted to a great familiarity, could not understand him without great difficulty (1).

In

(1) November 12, earl Rivers and the admiral, attended by several officers, went to wait on the young princes, the king's sons, at the royal palace, and were received in the most uncivil formal manner, ever I saw, or heard of: After waiting about six minutes, we were conducted through three rooms to a fourth, where, on a Turkey carpet, and under a canopy, were the four young princes drawn up in exact rank; the eldest on the right, and next to him, according to their ages. As soon as within the room we all bowed very low: Then, going near them, the earl Rivers bowed again low; first to the eldest, then to each particularly: All our officers doing the same. But they stood stiff like statues, with their hats on, not shewing the least notice or civility either with their bodies or hands. The earl Rivers spoke twice to the secretary of state, who was near him, to interpret something to the eldest prince, who made answers by the secretary, and then waved his hand for us to go: So we all bowed low, then went backwards, with our faces to them till near the door, then bowed again, and so went out, without the least notice, or return of civility: Which was a most

offensive and odious piece of state. The three eldest were in black, with large bands, and large Holland ruffles, and black clokes. Their right-hands in, or near the coat-pocket; and left hands in their breast: Full bottom'd perukes hanging before, of an awkward length, shorter by much than those worn at our court: Their hats looped up very low, so that both hats and peruke looked very ungrateel. The youngest was in a purple coat fashionably made, with a cravat tucked as ours, and looked very well. The eldest is eighteen years of age; their persons are indifferently good, except the second son, who has an ill-favoured sullen face: he is the tallest: The others promise to be but of a little stature. Their court was thin, and almost half of priests of several orders, some in comical dresses. In the room with the princes, except the secretary of state, the company stood up against the walls, as immoveable as the princes: No guard, armed men, or country without, or within the palace; in the first hall below stairs, about eight halberds were set up against the wall near the door, that leads to the great stair-case.

1706.

In less than a month after the audience, the king died on the 28th of November. When he was opened, his body was found to be intirely decayed within. During his three days illness, all the wonder-working relics of Lisbon were carried to him, and continual procession made in the city for his recovery, but all to no purpose. The very day after his decease, the young king, his eldest son, who was then eighteen years old, took the administration into his hands, and signed a treaty of alliance, expressing great heartiness in it.

About the middle of December, the secretary of state desired a conference with earl Rivers, in which he pressed him very much from the king, to stay in Portugal with the army under his command, but his solicitations proved fruitless: For the earl ordered, two days after, the horses to be embarked, which were almost all on board, when an express arrived from England, with orders to stay in Portugal, which put a stop to the embarkation. Ten days after, earl Rivers had an audience of the king, and laid before him several demands in writing, particularly about furnishing mules for drawing the artillery, and for the officers baggage, as it was practised in Spain. The answer was to be returned in three days, and to determine the earl's staying or going. But when it came, orders were immediately given to embark the remainder of the horses. The general and all the officers went on board; and, on the 2d of January, the fleet sailed for Alicant, where they arrived on the 28th of the same month. Dec. 24.

At Alicant, earl Rivers found an aid de camp from the lord Galway, waiting for his arrival with a letter, to desire that he would assist at a general council of war, which was to be held in the city of Valencia. Accordingly, about the middle of February, the earl Rivers and earl of Essex went to Valencia, where the grand council was held to determine the operations of the campaign; the result of which was, that they should act offensively, seek out the enemy, and endeavour to bring them to a battle, considering the great reinforcements sent from England. Here no less than four English generals met together; the earls of Peterborough, Galway, and Rivers, and general Stanhope, the queen's envoy extraordinary to the king of Spain. The earl of Peterborough was recalled, so the command of the forces was to remain either with lord Galway or lord Rivers. The earl of Galway used many arguments to persuade earl Rivers to take it upon him, notwithstanding the orders he had received

1706. from England to stay and command. But earl Rivers, not liking the country, or for some other reason, chose to return to England, which he and the earl of Essex did a few days after, and Sir Cloudesley Shovel sailed back with the fleet to Lisbon.

Affairs of
Poland.
Burnet.
Hist. of
Europe.
Saxony
invaded
by the
king of
Sweden.

In the end of the campaign, in which Poland had been harrassed with the continuance of the war, but without any great action; the king of Sweden, seeing that king Augustus supported his affairs in Poland by the supplies both of men and money that he drew from his electorate, resolved to stop that resource. He marched therefore in the beginning of September through Lusatia into Saxony, and quickly made himself master of an open country, that was under no apprehensions of such an invasion, nor in any sort prepared for it, and had few strong places in it capable of making resistance. The rich town of Leipzig, and all the rest of the country, was without any opposition put under contribution. All the empire was alarmed at this; and it was first apprehended, that it was owing to French counsels, in order to raise a new war in Germany, and put the north all in a flame. Robinson and Haerfolet, envoys from England and Holland, were ordered to attend the king of Sweden, and desire him to declare his true intentions. The king gave it out, that he had no design to give any disturbance to the empire, and intended by this march only to bring the war of Poland to a speedy conclusion. Accordingly king Augustus, seeing his hereditary dominions in the hands of his enemy, soon found he could no longer maintain the war in Poland, and therefore a treaty was set on foot with such secrecy, that it was concluded before it was thought to be in agitation. Augustus was only waiting for a fit opportunity to disengage himself from his Polanders and from the Muscovites; but an incident happened, that had almost imbroiled all again. For, before the ratifications of the treaty were exchanged, the armies being near one another in Great Poland at Kalish, the Polanders and Muscovites attacked the Swedes at a great disadvantage, being much superior in number, and almost cut them in pieces. King Augustus had no share in this, and did all he durst to avoid it. He made all the haste he could out of Poland, and, immediately after the battle, the peace, to the great surprize of all Europe, was published, having been signed the 24th of September, above a month before the engagement. By the treaty king Augustus resigned the kingdom of Poland, and the great dukedom of Lithuania, and acknowledged

Battle of
Kalish,
Oct. 29.

Sta-

1706.

Stanislaus as true rightful king of Poland. He was contented with the empty name of king, though that seemed rather to be a reproach than any accession of honour to his electoral dignity; but he thought otherwise, and stipulated, that it should be continued to him. He was at mercy, for he had neither forces nor treasure. It was thought the king of Sweden treated him with too much rigour, when he had so intirely mastered him; but he was as little pitied as he deserved to be, for, by many wrong practices, he had drawn all his misfortunes upon himself. The king of Sweden, being thus in the heart of Germany, in so formidable a posture, gave great apprehensions to the allies. The French made strong applications to him, but the courts of Prussia and Hanover were in such a concert with that king, that they gave the rest of the allies great assurances, that he would do nothing to disturb the peace of the empire, nor to weaken the alliance. The court of France pressed him to offer his mediation for a general peace; all the answer he gave was, that, if the allies made the like application to him, he would interpose and do all good offices in a treaty, but refused to enter into any separate measures with France.

Propositions for a peace.
Lamberti.

This was not the only application the French king made for a treaty. Soon after the battle of Ramillies, the elector of Bavaria gave out hopes of peace. He writ a letter from Mons the 21st of October, N. S. to the duke of Marlborough, and another of the same date to the deputies of the States, with proposals from the court of France for holding of conferences in some place between the two camps, or between Mons and Brussels, to treat of a peace. The deputies of the states had sent the elector's letter to the Hague, and the duke had also communicated his to the queen his mistress. When the army separated in the Netherlands, and the winter-quarters were settled, the duke came to the Hague, the 9th of November, N. S. The next day the deputies of the States came and held a long conference with him, chiefly upon the subject of the elector's letters. It was agreed, that the steps, which France had made towards a peace, should be communicated to the ministers of the allies, in order to remove all suspicions of clandestine negotiations, and encourage the several members of the grand alliance to redouble their efforts against the next campaign. This being concerted, as well as the draughts of the respective answers to the elector of Bavaria, the States desired the ministers of the allies, residing at the Hague, to be present, on the 21st of November, at an extraordinary congress, when the deputies

1766.

for foreign affairs made the following notification to them. They owned, " That France had formerly, by some private persons, made general intimations of their willingness to treat of peace, and that, last winter, the marquis d' Alegre, had presented the states a formal memorial on the same subject [the substance of which was read in the congress] but they had given no ear to those advances, nor communicated them to the allies, because they did not judge them worth imparting to them. But that, in October last, the elector of Bavaria had writ a letter to the duke of Marlborough, and another to the field-deputies of the states; which letters, with the draughts of the answers, were also communicated to the congress (a)."

Then the deputies of the states declared to the assembly, " That their high mightinesses were resolved not to enter
" into

(a) The elector's letter to the duke of Marlborough was as follows:

" The most christian king, sir, finding, that some overtures of peace, which he had caused to be made in a private manner, instead of producing the effect of making known his dispositions towards procuring a general peace, have been looked upon, by ill-designing persons, as an artifice to disunite the allies, and make an advantage of the misunderstanding, that might be created among them; has resolved to shew the sincerity of his intentions, by renouncing all secret negotiations, and openly proposing conferences, in which means may be found for the re-establishing the tranquillity of Europe.

" The most christian king is pleased to charge me to inform you of this, and to desire you to acquaint the queen of England with it.

" I give the like notification on the part of the most christian king to the states-general,

" by a letter, that I have writ ten to the field-deputies; and he would do the like with regard to the other potentates, that are at war with him, had they ministers near at hand, as you are, to receive the like intimation, he having no design to exclude any of the said potentates from the negotiation, that shall be begun in the conferences he proposes. Moreover for advancing a good so great and necessary to Europe, which has too long suffered the inevitable calamities of war, he consents that a place may forthwith be chosen between the two armies; and after their being separated, between Mons and Brussels, in which you, sir, with whom the interests of England are so safely intrusted, the deputies, which the States shall please to nominate, and the persons, whom the king of France shall empower, may begin to treat upon so important an affair.

" I am extremely pleased, sir, to have such an occasion to write you this letter; being
" per-

any negotiation of peace but jointly with their allies, faithfully to communicate to them the proposals that shall be made to them, expecting that the allies would do so on their part."

1706.

The

led it will leave no room but of the sentiments of most christian majesty, may be so beneficial to ope.

will be glad to give an account of it to the queen of d without loss of time, whomsoever else you think fit. I shall expect answer, sir, to acquaint most christian king of it; I shall be always ready, sir, for your service.

Feb. 21.

L. EMANUEL, elector,

duke of Marlborough's
as in these terms :

being communicated to me, my mistress, what your electoral highness did me honour to write to me in the letter of the 21st of last month of the intentions of the christian king to endeavour to re-establish the tranquillity of Europe, by conference to be held for that purpose between deputies on both sides, her majesty has commanded me to answer your electoral highness, that as she is pleased with pleasure the favour of the king's inclination to the making of an end lasting peace with us, being the sole end intended by her majesty to

continue this war till now; so she will be very glad to conclude it, in concert with all her allies, on such conditions, as may secure them from all apprehensions of being forced to take up arms again, after a short interval, as has so lately happened. Her majesty is also willing I should declare, that she is ready to enter jointly with all the high allies, into just and necessary measures for attaining such a peace; her majesty being resolved not to enter upon any negotiation without the participation of her said allies. But the way of conferences, that is proposed, without more particular declarations on the part of his most christian majesty, does not seem to her to be proper for obtaining a truly solid and lasting peace. The States-general are of the same opinion. Wherefore your electoral highness will rightly judge, that other more solid means must be thought on to obtain so great an end, to which her majesty will contribute, with all the sincerity that can be wished, having nothing so much at heart, as the relief of her subjects, and the tranquillity of Europe. Your electoral highness will always do me the justice to be persuaded of the respect, with which I have the honour to be, &c.

Hague, Nov. 20, 1706.

U 3

The

1706.

The duke of Marlborough and the pensionary spoke very prudently on this occasion in the Congress, and both concluded for the continuation of the war. The ministers were likewise desired to write to their respective courts to exhort them to follow the example of England and Holland, who were resolved to make a vigorous campaign. The assembly was extremely pleased with the sincerity and fairness wherewith this communication was made.

The States and the duke had several weighty reasons for the communicating these proceedings to the ministers of the allies, some of whom were very uneasy on the apprehension, that some secret negotiation was transacting without their knowledge. Besides, it was spread about in Holland by the emissaries of France, that the duke of Marlborough, finding his account in continuing the war, would induce the queen of Great-Britain to refuse to hearken to a reasonable peace. The same thing had been insinuated in England, and therefore it was proper to demonstrate the contrary, and to shew, that the refusing to enter into conferences with France was owing to a belief, that a solid and lasting peace could not be expected from thence.

The
French
apply to
the pope.
Hare.

However the court of France did not stop here, but, finding they could not prevail with the king of Sweden, they made a public application to the pope for his mediating a peace. The sum of their offers, for that purpose, was to give up to king Charles either Spain and the West-Indies, or Milan, Naples, and Sicily, with a barrier for the Dutch, and a compensation to the duke of Savoy for the waste made in his country. But these offers were rejected (a). The court of Vienna was so alarmed at the inclinations some had expressed towards the entertaining this project, that this was believed

The letters between the elector and the field-deputies were of much the same tenor.

(a) Dr. Hare, in his piece, intitled, The management of the war, in a letter to a Tory-member, takes notice of the objection, which had been urged by the tories, That a good peace might have been had at the end of the Ramillies campaign. Now to decide this question, says he, we must first settle

what a good peace is; and, in order to that, must consider what it was we went into the war for. No body wants to be told, that this was chiefly to obtain these two ends, the restitution of the Spanish monarchy to the house of Austria, and the procuring of a good barrier against France on the side of the Netherlands; without which two points there can be no security for Great-Britain,

believed to be the secret motive of the treaty, the succeeding winter, for evacuating the Milanese, and of their obstinately persisting, the summer after, in their designs upon Naples; for by this means they became masters of both.

The

tain, that their best trade will not be lost, and with it their religion and government, and every thing that is dear to them. For we should every minute be in danger of having the bigotry, slavery, and poverty of France forced upon us by the exorbitant power of that most arbitrary prince, if he should be suffered to strengthen himself with the addition of that vast monarchy, who was before much too great for his neighbours; to say nothing of the safety of the Dutch, or the liberty of Europe.—Now the Spanish monarchy, the restitution of which is the first article of the grand alliance, is known by every body to consist, besides the Spanish Netherlands, of these two great parts, of Spain and the Indies; and of Milan, Naples, and Sicily, with Sardinia and the adjacent isles. And a good barrier against France means, at least, a better than the Dutch had before; which, by the experience of fifty years, has been found to be much too weak for so large a frontier; the Spanish Flanders, and its capital city, Ghent, having in truth no cover at all, and Brabant but a very poor one; while the French being intire masters of the Lys and Scheld, both provinces lie exposed to their invasions. Look but on some large maps of these provinces, such as have been printed of late years, and your eyes will presently convince you of the truth of this. But, if this restitution and this barrier were thought necessary, at our entering into the war, no body, I presume, will say, they are less necessary now, when so much more has been done to gain these ends, than any body at the beginning could ever hope to see. And, if these two points are necessary, then no peace without them can be a good peace. Let us then compare this good peace with what the French offered at the end of the Ramillies campaign—which, in short, was no more than this, to give up to the allies, which of those two they liked best, either Spain and the Indies, or Milan, Naples, and Sicily, &c. which offer was unanimously rejected. I suppose, there is no need of proving that the allies ought not to have accepted either part of this alternative, it being so short of what, upon our entrance into the war, was thought necessary. To have been content with a moiety of what we went into the war for, after so many successes, and not a few surprizingly great, would have rendered us inexcusable to all posterity; and some body, who, we are now told, prolongs the war, would have been said to have been well paid for such a

1706. The duke of Marlborough having now settled several important affairs with the States, particularly the continuing the Hessian troops in Italy, according to the duke of Savoy's desire, he embarked for England, and arrived at London the 18th of November, O. S.

As

peace. It would have been, in the language of the faction, a plain case, we were sold to France, and nothing less than his head could have atoned for it. But, instead of proving the absurdity of accepting such a peace, I shall shew you rather, what to every body is not so plain; and that is, that the French were not sincere: They meant nothing by their offer, but to amuse the allies, and knew they could not all agree to accept either part of the alternative; and that England and Holland without the emperor, could not take Spain and the Indies, were they never so much inclined to it. For, had the allies hearkened to this proposal, it had been in the power of the French to close with which they would. Now it is easy to see, what this must have ended in. For in such partition there is no doubt, but, as the Dutch and we should have been for Spain and the Indies, the emperor would have made the other part his choice, which is evidently left for him. Which part now of the allies, in this division would France be most willing to comply with? Or, in other words, which part of the monarchy would they choose of the two to quit? A man must be blind not to see, that the part the emperor would like best to have, the same France would like best to part with. Behold then the necessary consequence of hearkening to such terms: The confederacy broken, and the maritime powers left to shift for themselves, without being able to obtain either of the parts, when they ought to be content, according to the terms of the grand alliance, with nothing less than both. Who now, I would fain know, have most reason to complain, that these offers were rejected; the people of London or Vienna? They, who might have had the part they had most mind to, if they would have abandoned their allies? or we, who, it is certain, besides the infamy of so base an action, could have had nothing? Had the writers, who are so able at making something out of nothing, had their lot in Austrian ground, what a field had there been for them? what rare matter to shew their skill in? what specious pretences, without the help of secret history, to give out, that the emperor was ill-advised? What! reject so advantageous an offer, by which so great an addition of real strength would have been made to the house of Austria; and that, at a time, when they were so unable to carry on the war, when the people have been exhausted with continual wars for

more

As the duke had by the emperor been invested with the principality of Mildenheim, for delivering the empire from the

1706.

more than thirty years! — Would not this be the language of the faction, if the scene were changed from London to Vienna? And yet we do not hear, that either the emperor, or his people, have hitherto thought it any crime in the ministers, who would not hearken to those terms. Instead of that, all the world think it much for their honour, that they have appeared true to themselves, and faithful to their allies, in rejecting so pitiful and insecure a peace. And is not this a reproach to us, who suffer ourselves to be deluded by such vile impostors, who would persuade us out of our senses, that half the Spanish monarchy is as good as the whole, and that nothing is as good as half. For I have shewn, that one half only was offered, and that even that could not be had. It must, sure, to all thinking men be very surprising, that we only, of all the allies, should complain, that this ridiculous offer of the French was rejected, when we, of all of them, have most reason to be pleased with it. — I must beg leave to observe one thing further, which is of too much moment to be pass'd over; and that is, that they, who have done their country so much service in rejecting this offer from the French, would have done it still much greater, could they have prevented any regard being given to it. For, though the refusing these terms could do no harm, the hearkening to them, I will shew you, did a great deal. The inclination of some people, of the same complexion with the author of the Secret History, expressed to come to a treaty with the French upon the terms offered, raised in the imperial court a jealousy, that the maritime powers were tampering with France, and making terms for themselves, to which the interest of the house of Austria was to be sacrificed. This put that court upon measures, that had a fatal influence on the next campaign, and occasioned the two most unfortunate events that have happened all this war. First, this suspicion made them begin and conclude a treaty with the French for evacuating the Milanese, without the privy of England and Holland, who did not know one word of the matter. And what do you think was the consequence of this? Why, it gave the French an opportunity of sending immediately into Spain a great body of good veteran troops. And it is to this reinforcement sent the duke of Anjou, that we owe the loss of the battle of Almanza, which proved so fatal to our own affairs on that side. — And the same jealousy put the imperial court upon taking another step, no less prejudicial to the common cause, and that was the expedition to Naples, which they could not be prevailed with to defer upon the repeated and

1706. the arms of France; so he was now no less distinguished at home by the queen and parliament. For, soon after his return,

‘ most pressing instances, that the
 ‘ maritime powers made to them
 ‘ by their ministers both at Vi-
 ‘ enna and Italy. And the
 ‘ consequence of the expedition
 ‘ was, that it not only diverted
 ‘ a great part of the troops that
 ‘ were to execute the project on
 ‘ Toulon, but retarded, for a
 ‘ considerable time, the march
 ‘ of the rest. And this loss of
 ‘ time, and lessening of their
 ‘ numbers, seem to have been
 ‘ the chief occasion of the mis-
 ‘ carriage of that glorious en-
 ‘ terprize. Nothing made the
 ‘ imperial court so obstinately
 ‘ bent on that unhappy expe-
 ‘ dition, but the fears they had
 ‘ that Naples, as well as Milan,
 ‘ would at the Hague be given
 ‘ up to facilitate a peace, which
 ‘ they were resolved to prevent,
 ‘ by getting possession as soon as
 ‘ they could. This is all we
 ‘ have got by hearkening to
 ‘ those offers, which it is now
 ‘ thought a great crime we did
 ‘ not close with; the loss of the
 ‘ battle of Almanza, and the
 ‘ miscarriage of the project on
 ‘ Toulon, the greatest, most
 ‘ important, best concerted en-
 ‘ terprize, that was ever entered
 ‘ on. And both these misfor-
 ‘ tunes had, in all probability,
 ‘ been prevented, had the offers
 ‘ of the French been roundly
 ‘ rejected at the first, and no oc-
 ‘ casion of jealousy had, by list-
 ‘ ening to them, been given the
 ‘ imperial court. — After
 ‘ saying so much of that part of
 ‘ the offer the French made,
 ‘ which concerns the partition
 ‘ they proposed of the Spanish

‘ monarchy, which we ought
 ‘ not to have accepted, if we
 ‘ could, and could not, if we
 ‘ would; there is no need of
 ‘ telling you, what barrier was
 ‘ offered for the Netherlands,
 ‘ which the Dutch were most
 ‘ concerned in, who do not ac-
 ‘ to neglect good offers to come
 ‘ at a peace, if we may believe
 ‘ the faction, who have for a long
 ‘ time pretended to fear nothing
 ‘ so much as their quitting the
 ‘ alliance for their own sepa-
 ‘ rate interest. Though now
 ‘ the noble firmness they have
 ‘ shewn in adhering to it, till
 ‘ terms may be had to the satis-
 ‘ faction of all parties, is by
 ‘ these ill designing politicians,
 ‘ who can take every thing by
 ‘ a wrong handle, imputed to
 ‘ them for a crime. — That
 ‘ this is the whole truth of this
 ‘ matter; that these, and no
 ‘ other, were the offers the
 ‘ French made after the Ramil-
 ‘ lies campaign; I will give
 ‘ you, besides these already
 ‘ hinted, one plain authentic
 ‘ proof, which is as good as a
 ‘ thousand demonstrations; and
 ‘ that is a letter of the French
 ‘ king to the pope on this sub-
 ‘ ject, writ in the following
 ‘ spring, when all thoughts of
 ‘ peace were at an end, and a
 ‘ new campaign was entering
 ‘ upon,

This letter was dated at Ver-
 sailles, February 15, 1707, and
 was as follows:

‘ The care, which your holi-
 ‘ ness continues to take for pro-
 ‘ curing the peace of Europe is
 ‘ always equally agreeable to

turn, he received the thanks of both houses for his eminent services, and the lords addressed the queen to settle his honours

1706.

us. We have nothing more at heart than to second your endeavours; and we would even prevent you in any thing we could do to make them effectual. As it was not our fault, that the war was begun, so we shall seek occasions to end it, by the most ready and easy methods. Your holiness has been informed, that we have already made frequent advances to come to so wholesome an end. It can be attributed only to the misfortune of the times, that catholic princes, struck with fear of displeasing the allies, should yet refuse to hear the holy exhortations of the vicar of Jesus Christ. When we left it to the arbitration of your holiness to satisfy the rights and demands of the emperor, by a valuable compensation upon some parts of the Spanish monarchy; the ministry of your holiness were charged with the care of making the proposal of it to that prince. But with what haughtiness did he reject it! Having said things exorbitant, and insolently demanded, that our grandson should be recalled. Who could have thought, most holy father, that he would have made so arrogant a return to an insulted king, to a minister of your holiness, and to our love of peace? For the conjuncture, far from being favourable to the house of Austria, seemed then to threaten it by the superiority of our forces, and by our gaining the battle of Cas-

fano. But God, who is the master of events, changed the posture of our affairs. Yet, tho' we were employed with the cares of repairing our losses, we had still in our minds the idea we had conceived of peace, at the time even of our greatest prosperity. We renewed to Holland the offer of a barrier for their state, and of the security demanded for their trade; reserving it still to ourselves to treat with the emperor about a compensation. Propositions so reasonable were again rejected by the intrigues of that party, which had shewed itself averse to the advancement of our grandson. And then we employed all our thoughts to increase our preparations for a war, which had been violently and unjustly declared against us. Nevertheless, as it becomes us to be obedient to the pious exhortations of your holiness; and, to the end that our enemies may have no pretence to impute to us the loss of so much christian blood, as is already spilt, and now going to be let out, we will give your holiness a plain and frank account of the disposition we are in for peace. We will therefore acquaint your holiness, that the king, our grandson, has intrusted us with full power to convey the archduke a part of those estates, that compose the Spanish monarchy. The catholic king has the hearts of the true Spaniards, and is content to reign over them. It only depends therefore on the emperor

1706. pours on his posterity. This was readily complied with; and an act passed to limit his titles and honours to his eldest daughter,

‘ emperor to explain himself at
‘ this time, who may have, if
‘ he pleases, for ever reunited
‘ to his family the Milanese,
‘ Naples, and Sicily, with the
‘ other islands belonging to
‘ Spain, that are situated in the
‘ Mediterranean sea.

‘ We should easily agree a-
‘ bout a barrier for the republic
‘ of the United Provinces. And
‘ the two pretences of the war
‘ being thus removed, it would
‘ not be difficult to put an end
‘ to these misfortunes, which
‘ Europe has been so long op-
‘ pressed with.

‘ We pray God, that he will
‘ preserve your holiness a great
‘ many years in the government
‘ of his church.’

Your devoted son,

The king of France
and Navarre,

Lewis.

The author of the military history of the late prince Eugene of Savoy. and the late John duke of Marlborough, vol. II. p. 18. tells us, ‘ That it is not
‘ certain, what were the true
‘ reasons, why the confederates
‘ did not listen at this time to
‘ the proposals of peace, since
‘ there are just reasons to believe
‘ that his most christian majesty
‘ would have consented to any
‘ thing that could have been
‘ demanded, less than an intire
‘ renunciation of Spain. Nay,
‘ it is to be wondered, that the
‘ alliance itself was not broke at
‘ this time, great jealousies ari-
‘ sing between the Imperialists
‘ and the Dutch, about the con-
‘ quests in the Netherlands, the

‘ jurisdiction being claimed by
‘ the former, and exercised very
‘ despotically by the latter. The
‘ source of this difference lay
‘ here: It was stipulated in the
‘ grand alliance, that the Dutch
‘ should first have a barrier, and,
‘ when they were safe, the Spa-
‘ nish provinces were to be de-
‘ livered up to the emperor, or
‘ the king of Spain. The Im-
‘ perialists were of opinion, that
‘ the Dutch were now safe; and
‘ demanded therefore, that the
‘ province of Limburgh, which
‘ had been reduced the last cam-
‘ paign, should be delivered up:
‘ To which the States returned
‘ general answers, and contin-
‘ ed to exercise their jurisdiction
‘ as formerly. Count Zinzen-
‘ dorf was pitched on therefore
‘ by his imperial majesty, to go
‘ first to the camp, and then to
‘ the Hague, in order to regulate
‘ all things with the allies. The
‘ duke of Marlborough enter-
‘ tained this minister very agree-
‘ ably; they conversed together
‘ on the subject of the overtures
‘ made for peace, and canvassed
‘ the several neutral powers of
‘ Europe, in order to find out
‘ the proper mediation, under
‘ the auspice of which a nego-
‘ tiation might be commenced.
‘ The pope was by no means
‘ grateful to the protestant pow-
‘ ers, nor a grain more in the
‘ good graces of his imperial
‘ majesty. The Venetians ex-
‘ pressed no great inclination to
‘ concern themselves in such a
‘ business; and it was thought
‘ the emperor would not accept
‘ the mediation of the Swiss
‘ Cantons.

daughter, and her male heirs, and then to all his other daughters successively, according to their priority of birth, and that Woodstock-manor and Blenheim-house should always go with the titles. And, a few days after, upon the commons address, the queen agreed, that the five thousand pounds pension out of the post-office should be settled on him and his posterity, in the same manner as the town of Woodstock and the house of Blenheim (a).

The

Cantons. In the north the king of Denmark might have been influenced to take on him such a part; but, in regard, that he himself had some differences to adjust, it was doubted, whether a negotiation could be properly carried on through his mediation. Besides, the only plan, that was talked of on the side of the confederates, was the absolute cession of Spain, and its dependencies, to the house of Austria, and the erecting the duchy and county of Burgundy into a kingdom, which was to be given to king Philip. The Dutch in general were very much disposed to a peace, but the duke of Marlborough and the imperial minister were for continuing the war, that France might be obliged to accept such terms, as would leave it no longer in her power to terrify her neighbours. The answer the duke of Marlborough gave to the elector of Bavaria was concerted with, and approved by the imperial minister. And thus all the intrigues of France, for bringing on a negotiation somewhere, were absolutely defeated, though she spared no pains to bring them to bear. His most christian majesty, however, did not fail to make the most he could of a very indifferent game. He applied himself assiduously to the re-establishment of his troops, and to the raising money by every method he could take; at the same time that his emissaries gave out every where, that the present war was a war merely of interest. That his imperial majesty carried it on because he had all things to hope from it, and nothing either to fear or pay: That the leading people in Great Britain were such, as gained titles and estates by the war: And that, in Holland, the pensionary Heinsius, who did all things, was intirely directed by the duke of Marlborough and prince Eugene. If these suggestions were neither agreeable to truth nor to the sentiments of the people, at the time they were thrown out, yet, by being often repeated, they gained credit at last, and occasioned some disturbances in Holland, and greater in England.

(a) Six days after his arrival, the duke coming to the house of peers, the lord keeper, by direction, made the following speech to him:

My lord duke of Marlborough,

1706.

Affairs of
Scotland.• Lock-
hart.
Burnet.

The affairs of Scotland were all this while in a very dangerous situation. The interest of the pretender (it is said *) increased

‘ I am commanded by this
‘ House to give your grace their
‘ acknowledgment and thanks
‘ for the eminent services you
‘ have done, since the last session
‘ of parliament, to her majesty
‘ and your country, together
‘ with their confederates, in this
‘ just and necessary war. Tho’
‘ your former successes against
‘ the power of France, while it
‘ remained unbroken, gave most
‘ reasonable expectation, that
‘ you would not fail to improve
‘ them; yet what your grace
‘ hath performed, this last cam-
‘ paign, has far exceeded all
‘ hopes, even of such as were
‘ most affectionate and partial
‘ to their country’s interest and
‘ your glory. The advantages
‘ you have gained against the
‘ enemy, are of such a nature,
‘ so conspicuous in themselves,
‘ so undoubtedly owing to your
‘ courage and conduct, so sen-
‘ sibly and universally beneficial
‘ in their consequences to the
‘ whole confederacy, that to
‘ attempt to adorn them with
‘ colouring of words would be
‘ vain and inexcusable, and
‘ therefore I decline it; the ra-
‘ ther, because I should certain-
‘ ly offend that great modesty,
‘ which alone can, and does add
‘ lustre to your actions, and
‘ which, in your grace’s exam-
‘ ple, has successfully withstood
‘ as great trials, as that virtue
‘ has met with in any instance
‘ whatsoever. And I beg leave
‘ to say, that, if any thing
‘ could move your grace to re-
‘ flect with much satisfaction
‘ on your own merit, it would

‘ be this: That so august an as-
‘ sembly does, with one voice,
‘ praise and thank you; an ho-
‘ nour, which a judgment so
‘ sure, as that of your grace’s,
‘ to think rightly of every thing,
‘ cannot but prefer to the offe-
‘ ration of a public triumph.’

The duke’s answer to this
speech was: ‘ I esteem this as a
‘ very particular honour, which
‘ your lordships are pleased to
‘ do me. No body in the world
‘ can be more sensible of it than
‘ I am, nor more desirous to
‘ deserve the continuance of
‘ your favour and good opi-
‘ nion.’

The day before a committee,
appointed by the commons,
having attended the duke with
the thanks of that house for his
eminent services to her majesty
and this kingdom in the last
campaign, the duke told them,
‘ If any thing could add to my
‘ satisfaction in the services I
‘ have endeavoured to do the
‘ queen and my country, it
‘ would be the particular notice
‘ which the house of commons
‘ is pleased to take of them so
‘ much to my advantage.’ A
little after the lords waited on
the queen with an address, im-
porting, ‘ That having confi-
‘ dered the many great actions,
‘ which the duke of Marlbo-
‘ rough had performed in her
‘ majesty’s service, such actions,
‘ as the wisest and greatest of
‘ people had rewarded with
‘ statues and triumphs; they
‘ were extremely desirous to ex-
‘ press the just sense they had of
‘ his merit, in a peculiar and
‘ distin-

increased to such a degree, that four parts in five of the nobility and gentry, and above half of the commons over the whole kingdom, expressed, on all occasions, their inclination and readiness to serve that cause. Accounts of this

‘ distinguishing manner ; and,
 ‘ in order to perpetuate the
 ‘ memory thereof, to settle and
 ‘ continue his titles and honours,
 ‘ with his right of precedence,
 ‘ in his posterity, by act of par-
 ‘ liament. But, having a just
 ‘ regard for the prerogative of
 ‘ the crown, they thought it
 ‘ their duty, in the first place,
 ‘ to have recourse to her majesty
 ‘ for her royal allowance, before
 ‘ any order given for bringing
 ‘ in a bill of such a nature ;
 ‘ and to desire her majesty to
 ‘ let the house know in what
 ‘ manner it would be most ac-
 ‘ ceptable to her, that these ti-
 ‘ tles and honours should be li-
 ‘ mited.’

Her majesty’s answer to this address, was as follows :

ANNE R.

‘ Nothing can be more ac-
 ‘ ceptable to me than your ad-
 ‘ dress. I am intirely satisfied
 ‘ with the services of the duke
 ‘ of Marlborough, and there-
 ‘ fore cannot but be pleased you
 ‘ have so just a sense of them.

‘ I must not omit to take no-
 ‘ tice, that the respectful man-
 ‘ ner of your proceeding, in
 ‘ desiring my allowance for
 ‘ bringing in the bill, and my
 ‘ direction for the limitation of
 ‘ the honours, does give me
 ‘ great satisfaction.

‘ My intention is, that, after
 ‘ the determination of the estate
 ‘ which the duke of Marlbo-
 ‘ rough now has in his titles

‘ and honours, the same should
 ‘ be limited to his eldest daugh-
 ‘ ter, and the heirs male of her
 ‘ body, and then to all his other
 ‘ daughters successively, accord-
 ‘ ing to their priority of birth,
 ‘ and the heirs male of their
 ‘ respective bodies, and after-
 ‘ wards in such manner, as may
 ‘ effectually answer my design
 ‘ and yours, in perpetuating the
 ‘ memory of his merit, by con-
 ‘ tinuing, as far as may be done,
 ‘ his titles and name to all his
 ‘ posterity.

‘ I think it would be proper,
 ‘ that the honour and manor
 ‘ of Woodstock, and the house
 ‘ of Blenheim, should always
 ‘ go along with the titles ; and
 ‘ therefore I recommend that
 ‘ matter to your consideration.’

Then the duke of Marlbo-
 rough, on this occasion, spoke
 to the lords in these words :

My lords,

‘ I cannot find words suffi-
 ‘ cient to express the sense I
 ‘ have of the great and distin-
 ‘ guishing honour, which the
 ‘ house has been pleased to do
 ‘ me in their resolution, and
 ‘ their application to her ma-
 ‘ jesty. The thoughts of it
 ‘ will be a continual satisfacti-
 ‘ on to me, and the highest en-
 ‘ couragement ; and the thank-
 ‘ ful memory of it must last as
 ‘ long as any posterity of mine.

‘ I beg leave to say a word to
 ‘ the house in relation to that
 ‘ part of her majesty’s most
 ‘ gracious answer, which con-
 ‘ cerns

1706. this were from time to time transmitted to the court of France, who, being much straitened by the successes of the confederates, seemed more sincere and hearty than formerly, in promoting the interest of the pretender. Colonel Hookes
was

cerns the estate of Woodstock, and the house of Blenheim. I did make my humble request to the queen, that those might go along with the titles; and I make the like request to your lordships, that after the death of Marlborough's death (upon whom they are settled in jointure) that estate and house may be limited to go always along with the honours.'

The lords readily complied with the queen's and the duke's desires, and the bill, which was brought in for that purpose, had a quick passage through both houses.

On the 7th of January, the commons also having taken into consideration 'the eminent services of the duke of Marlborough, whereby the glory of her majesty's government, the honour and safety of the kingdom, and the interest of the common cause, had been so highly advanced,' they agreed upon an address to the queen, wherein they humbly desired, 'That as her majesty was, at her expence, graciously pleased to erect the house of Blenheim as a monument of his glorious actions; and the house of peers, by her majesty's permission, had given rise to a law for continuing his honours to his posterity; the most obedient commons might be permitted to express their sense of so distinguishing a merit, and their

ready disposition to enable her majesty to make some provision for the more honourable support of his dignity in his posterity, in such manner, as should be most agreeable to her majesty:' concluding, 'That thus the gratitude of the whole kingdom would remain upon record to after-ages, and encourage others to follow his great example.' This address being the next day presented to the queen by the whole house, her majesty was pleased to tell the commons, 'That she was very glad they had so just a sense of the repeated services of the duke of Marlborough, and would consider of their address, and return an answer very speedily.'

Accordingly, on the 9th of January, Mr. secretary Hedges delivered to the house a message signed by her majesty, importing, 'That her majesty, in consideration of the great and eminent services performed by the lord Marlborough in the first year of her reign, as well by his prudent negotiation as her plenipotentiary at the Hague, as by his valour and good conduct in the command of the confederate armies abroad, thought fit to grant to him, and the heirs male of his body, the title of a duke of this realm; and as a farther mark of her favour and satisfaction with his services, and for the better support of his dignity, her majesty granted

1706.

was sent to Edinburgh in 1705, with letters from the French king and the pretender to the duke of Hamilton, and the earls of Errol, Marischal, and Hume, exhorting them to concert measures for the restoration of the exiled royal family; promising to assist the Scots nation in so good a design, empowering the colonel to receive proposals, and desiring them to send over to France one fully instructed to treat for that purpose. This Hookes had been a presbyterian, and one of the duke of Monmouth's chaplains, when he invaded England; but, whether he was taken prisoner and pardoned, or made his escape, it is certain, that, having afterwards turned Roman catholic, and entered into the French service, he had, by this time, raised himself there to the command of a regiment of foot, and gained such credit at the court of France, as to be appointed to manage their correspondence with Scotland. In conversation he appeared to be a man of tolerable good sense, and quick parts; but, being withal extremely vain and haughty, and not very circumspect, the cavaliers and country-party declined admitting him into their private meetings, to propose; as he designed, their owning the pretender's interest, and moving his restoration in parliament. They were cautious of confiding in him, because, in all his proposals, he seemed more intent upon raising a commotion in the kingdom; and giving a diversion to the enemies of France, than upon what really tended to advance the pretender's affairs. However,

to the said duke, and the heirs male of his body, during life, a pension of five thousand pounds per annum, out of the revenue of the Post-office: and an act having passed this session, for settling the honours and dignities of the duke of Marlborough upon his posterity, and annexing the honour and manor of Woodstock and house of Blenheim, to go along with the said honours; it would be very agreeable to her majesty, if the pension of five thousand pounds per annum were continued and limited by act of parliament to his posterity,

Yves. XVI.

for the more honourable support of their dignities, in like manner as his honours, and the honour and manor of Woodstock and house of Blenheim, were already limited and settled. The commons very readily complied with this message, and an act passed for that purpose.

However, a little after, the queen having given him the grant of the royal Meuse at Charing-cross (where a square was designed to be built and called after his name) the commons, upon a motion being made to confirm this grant, refused to do it.

X

1706. ever, the cavaliers, to whom he delivered his letters and messages, told him in general terms, "That they were willing to do every thing, that could in reason be expected from them; and would, as they were desired, in a short time, send over one to confer with king James" (for so they stiled the pretender) and the king of France." With this answer Hookes returned to France; and the cavaliers, having resolved to send one over, to see what assistance they could depend upon from thence, unanimously made choice of captain Henry Stratton, who embarked for France, the very next day after Lockhart returned to Edinburgh, having waited for him, to get a full account of what passed at London, in relation to the intended union. Besides what concerned that treaty, Lockhart was employed to sift the tories in England, and endeavour to know what they would do, in case the pretender came over, and the Scots declared for him; and, having accordingly found means to understand the sentiments of the duke of Leeds, the lord Granville, and several others, he informed captain Stratton, that the English tories were much more cautious than the Scots cavaliers; the former being all of opinion, That no attempt ought to be made during the queen's life. Captain Stratton was kindly received in France, but could bring nothing to a conclusion; the battles of Ramillies and Turin having so disconcerted the French king's measures, that he was not in a condition to spare either men or money for the service of the pretender. However, the pretender told Stratton, "That he longed extremely to be amongst his Scots friends;" and obliged him to give him in writing a character of every member of the Scots parliament, as they stood affected to him. After this Stratton was dismissed, with fair promises from the French king, of doing all in his power in a more favourable conjuncture; and with letters from the pretender to the duke of Hamilton, the earls of Errol and Marischal, and the viscount Stormont. The viscount had two letters inclosed in his, one to the duke of Athol, the other to the marquis of Montrose; the first of which was delivered, and kindly received; but, the marquis having left the cavaliers, it was thought to no purpose to make any attempt upon him, and dangerous to trust him with secrets, which he might discover to the ministers of state; for which reason the pretender's letter was not delivered to him.

Upon this encouragement from France, the cavaliers resolved to stand firm, and to exert their utmost efforts in the ensuing

ensuing session of parliament, against the ratification of the treaty of union; though, about this time, they sustained a great loss in the death of the earl of Hume, who was more relied on than any other of his party. 1706.

Before the parliament met in Scotland, the ministry there gave such a fair representation of the union, that it was generally relished by the people; but no sooner did the articles appear in print, but they were as universally disliked. It was visible, that the nobility of that kingdom suffered a great diminution by it; for, though it was agreed that they should enjoy all the other privileges of the peers of England, yet the greatest of them all, which was voting in the house of lords, was restrained to sixteen to be elected by the rest every new parliament; yet there was a greater majority of the nobility that concurred in voting for the union, than in the other states of that kingdom.

On the 3d of October, the parliament being met, the duke of Queensberry, the high-commissioner, went thither, attended by most of the nobility, barons, and other members, and the queen's letter was read as follows: The parliament of Scotland meets.

ANNE R.

My lords and gentlemen,

"SINCE your last meeting, we did nominate commissioners to treat of an union between our two kingdoms of Scotland and England, and by their great care and diligence, a treaty is happily concluded and laid before us. The queen's letter.

"We have called you together as soon as our affairs could permit, that the treaty may be under your consideration, in pursuance of the act made in the last session of our parliament there; and we hope the terms will be acceptable to you.

"The union has been long desired by both nations, and we shall esteem it as the greatest glory of our reign to have it now perfected, being fully persuaded, that it must prove the greatest happiness of our people.

"An intire and perfect union will be the solid foundation of a lasting peace: it will secure your religion, liberty, and property; remove the animosities among yourselves, and the jealousies and differences betwixt our two kingdoms. It must increase your strength, riches, and trade: and by this union, the whole island being joined in affection, and free from all apprehension of different interests, will be enabled to resist all its enemies, support the pro-

1706. "testant interest every where, and maintain the liberties of Europe.

"We do, upon this occasion, renew the assurances we have formerly given you, of our resolution to maintain the government of the church as by law established in Scotland; and the acts of both parliaments, upon which this treaty proceeded, having reserved their respective governments of the church in each kingdom, the commissioners have left that matter intire; and you have now an opportunity for doing what may be necessary for the security of your present church-government, after the union, within the limits of Scotland. The support of our government and your own safety does require, that you do make necessary provision for maintaining the forces, ships, and garrisons, until the parliament of Great-Britain shall provide for these ends in the united kingdom.

"We have made choice of our right trusty and right intirely beloved cousin and counsellor, James duke of Queensberry, to be our commissioner, and represent our royal person; being well satisfied with his fitness for that trust, from the experience we have of his capacity, zeal, and fidelity to our service, and the good of his country; which, as it has determined us in the choice, we doubt not but will make him acceptable to you.

"We have fully instructed him in all things we think may fall under your consideration, and seem to be necessary at present; therefore we desire that you may give trust and credit to him.

My lords and gentlemen,

"It cannot but be an encouragement to you to finish the union at this time, that God almighty has blessed our arms, and those of our allies, with so great success; which gives us the nearer prospect of a happy peace, and with it you will have the full possession of all the advantages of this union. And you have no reason to doubt, but the parliament of England will do what is necessary on their part, after the readiness they have shewn to remove what might obstruct the entering on the treaty. We most earnestly recommend to you calmness and unanimity in this great and weighty affair, that the union may be brought to a happy conclusion, being the only effectual way to secure your present and future happiness, and to disappoint the designs of our and your enemies,

"who

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who will, doubtless, on this occasion, use their utmost endeavours to prevent or delay this union, which must so much contribute to our glory, and the happiness of our people. And so we bid you heartily farewell."

Given at our court at Windford-castle, the 31st day of July 1706, and of our reign the 5th year.

By her majesty's command,

MAR.

This letter was enforced by the speeches of the duke of Queensberry, and the lord-chancellor Seafield, after which the treaty of union was read, and ordered to be printed, together with the proceedings of the lords-commissioners of both kingdoms in relation to that matter; and then the parliament was adjourned to that day se'ennight.

Her majesty's ministers were not insensible of the difficulties which they had to encounter in the affair of the union, against which, the dukes of Hamilton and Athol, the marquis of Annandale, the earls of Errol, Mareschal, and Inchmar, the lord Belhaven, Mr. Fletcher of Salton, and some others, had formed a powerful party. The commissioners from the shires and boroughs were almost equally divided, though, it was evident, they were to be the chief winners by it. Among these the union was agreed to by a very small majority. It was the nobility, that in every vote turned the scale for the union: they were severely reflected upon by those who opposed it; and it was said, many of them were bought off, to sell their country and their birthright. All those who adhered inflexibly to the jacobite interest, opposed every step that was made with great vehemence, for they saw that the union struck at the root of all their designs for a new revolution. Yet all these could not have raised or maintained so great an opposition as was made, if they had not prepossessed with fears and jealousies the minds of many among the presbyterian clergy who had the greatest ascendancy over the generality of the laity in Scotland. Among other indications of this temper of the Scots ministers at this critical juncture, it was taken notice, that, some days before the meeting of the parliament, one of duke Hamilton's chaplains proposed in the general assembly of the clergy, "That, before an affair of so great importance, as the union was, came to be debated before the estates of the kingdom, they ought to enter into an association for the preservation of the presbyterian discipline, if the treaty concluded by the commissioners of both kingdoms

A powerful party against the union.

1706. "was ratified by the respective parliaments." Another minister moved, "That a day of fasting and humiliation should be appointed to seek the Lord for counsel in this arduous affair and time of danger." But these two motions were rejected by the majority of voices. These jealousies of the presbyterians, lest their church should suffer a change, and be swallowed up by the church of England, were infused into them chiefly by the old duchess of Hamilton, who had great credit with them: and it was suggested, that she and her son had particular views, as hoping, that, if Scotland should continue a separated kingdom, the crown might come into their family, they being the next in blood after king James's posterity. The infusion of such apprehensions had a great effect on the main body of that party, who could scarce be brought to hearken to, but never to accept of, the offers that were made for securing their presbyterian government. On the other hand, a great part of the gentry of Scotland, who had been often in England, and had observed the protection, which all men had from a house of commons, and the security which it procured against partial judges and a violent ministry, entered into the union with great zeal. The opening a free trade, not only with England, but with the plantations, and the protection of the fleet of England, drew in those, who understood these matters, and saw there was no other way in view, to make the nation rich and considerable. Those who had engaged far into the design of Darien, and were great losers by it, saw now an honourable way to be reimbursed; which made them wish well to the union, and promote it. But that, which advanced it most effectually, and without which it could not have succeeded, was, that a considerable number of noblemen and gentlemen, who were in no engagements with the court (on the contrary, had been disobliged and turned out of great posts, and some very lately) declared for it. These kept themselves very close and united, and seemed to have no other interest but that of their country, and were for that reason called the Squadron. The chief of these were the marquis of Tweeddale, the earls of Rothes, Roxburgh, Hadington, and Marchmont. They were in great credit, because they had no visible bias on their minds. Ill usage had provoked them rather to oppose the ministry, than to concur in any thing, where the chief honour would be carried away by others. When they were spoke to by the ministry, they answered coldly, and with great reserve; so that it was expected

pected they would have concurred in the opposition ; and, they being between twenty and thirty in number, if they had set themselves against the union, the design must have miscarried. But they continued silent, till the first division of the house obliged them to declare ; and then they not only joined in it, but promoted it effectually and with zeal. 1706.

There were great and long debates managed on the side of the union by the earls of Seafield and Stair for the ministry, and of the Squadrone by the earls of Roxburgh and Marchmont ; and against it by the dukes of Hamilton and Athol, and the marquis of Annandale. The duke of Athol was believed to be in a foreign correspondence, and was much set on violent methods. The duke of Hamilton managed the debate with great vehemence, but was against all desperate notions. He had much to lose, and was resolved not to venture all with those, who suggested the necessity of running, in the old Scots way, into extremities. The union long debated in the Parliament of Scotland.

The topics (1) from which the arguments against the union were drawn, were the antiquity and dignity of their kingdom, which was offered to be given up, and sold : They were departing from an independent state, and going to sink into

Debates about the union. Burnet.

X 4

a de-

(1) The proceedings more at large upon the three first articles, and some other particulars, are contained in the following extract :

The parliament having gone through the first reading of the articles, the court party moved, on the 1st of November, for a more particular consideration of the same, in order to approve or disallow them ; and, to begin with the* first, namely, That the two kingdoms shall, May 1, 1707, be united into one. But the opposite party moved also, That the farther consideration of the articles should be delayed for some considerable time, that the sentiments of the parliament of England about the same might be known ; and that the members of parliament might con-

sult those, whom they represented. However, after some debate, these two motions were let fall, and it was agreed, that the first article should be read ; but that it should be allowed the next sitting to debate, whether the first article should be concluded, by approving thereof, or not ; or, if the parliament might not, before the concluding thereof, begin with, or conclude any other of the articles ; and, accordingly, the first article was read. The next day, there was a debate, ' Whether they should proceed ' immediately to the consideration of the first article of the ' union, or the security of the ' church ? ' When the vote was pressed for giving the preference to the first article of the union, several members urged the un-

rea-

* First article.

1706. a dependency on England; what conditions soever might be now speciously offered, as a security to them, they could not

reasonableness of agreeing to an union, till they had gone through the treaty, and found, that the terms thereof were for the interest of Scotland; for if they should, in the first place, agree to the subverting the monarchy, and sinking the parliament, which was the purport of the first article of the treaty of union; Who could tell but the royal assent might be given thereto, and the parliament adjourned; and so the nation be united upon no terms, or, at least, upon such, as England should afterwards please to grant? This argument carrying a great deal of weight, and the house appearing generally inclined to take the terms of the union previously into consideration, the lord register found an expedient to remove the difficulty, by proposing a resolve, 'That the house, in the first place, proceed to take the first article of the treaty into consideration, with this proviso, that, if all the other articles of the union were not adjusted by the parliament, then the agreeing to and approving the first article should be of no effect. And that, immediately after the first article, the parliament should proceed to an act for the security of the doctrine, discipline, worship, and government of the church, as now by law established.' This being approved by the majority, the lord Belhaven made a long speech, wherein he very pathetically lamented the miserable and despicable

condition, into which Scotland was going to fall by the union. In the next sitting*, after some debate, the marquis of Annandale presented a resolve against an incorporating union; and many of the country-party urged, that such an union was altogether inconsistent with the honour of the Scots nation, and destructive of its interest and concerns, both civil and military. Some went yet farther, affirming that this scheme would infallibly be an handle to any aspiring prince to attempt the overthrow of the liberties of all Britain; for, if the parliament of Scotland could alter, or rather subvert its constitution, it might be made a precedent for the parliament of Great Britain to do the same: And that the representatives of Scotland, being reduced to a poor miserable condition, would entirely depend upon those, who had the purse; and, having shewn so little concern for the support of their own constitution, it was not to be expected they would much regard that of any other. The duke of Hamilton said, 'What shall we, in half an hour, yield what our forefathers maintained with their lives and fortunes for many ages? Are here none of the descendants of those worthy patriots, who defended the liberty of their country against all invaders; who assisted the great king Robert Bruce, to restore the constitution, and revenge the falsehood of England, and usurpation of Ba-

* November 4.

OF ENGLAND.

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That they should be adhered to, or religiously maintained in a parliament, where sixteen peers and forty-five com-

1706.

There are the Doug-
and Campbells? Where
peers; where are the
once the bulwark of
ion? Shall we yield up
ereignty and indepen-
of the nation, when we
manded by those we
to preserve the same,
need of their assistance
not us? He urged a
more to the same
but the court-party
a vote, which was
d, Approve of the first
the union, or not.
e question was put up-
e duke of Athol gave
est against an incorpo-
ation, as contrary to
r, interest, fundamen-
nd constitution of the
of Scotland, the birth-
the peers, the rights
ileges of the barons
ights, and to the claim
property, and liberty
jects: Which protest
d, his grace took the
ts thereon, and the
adhered to by the

Hamilton,
of Annandale,
Irrol,
Eschal,
Vigtoun,
Crathmore,
Elkirk,
Incardin,
of Stourmont,
of Kilfyth,
Semple,
Oliphant,
Balmerino,
Blantyre,
Bargany,

The lord Belhaven,
The lord Colvil,
The lord Duffus,
The lord Kinnaird,
George Lockhart of Carnwath,
Sir James Foulis of Collington,
Andrew Fletcher of Saltoun,
Sir Robert Sinclair of Longfar-
macus,
Sir Patrick Home of Rentoun,
John Sinclair, junr. of Steven-
son,
John Sharp of Hoddum,
Alexander Ferguson of Isle,
John Brisbane of Bishoptoun,
William Cochran of Kilmar-
nock,
Sir Hugh Colquhane of Luss,
J. Grahme of Killcarn,
T. Sharp of Houston,
Sir Patrick Murray of Auch-
tertyre,
John Murray of Strawan,
James More of Stonywood,
David Beaton of Balfour,
Thomas Hope of Rankellier,
Patrick Lyon of Auchterhouse,
James Carnegie of Phinhaven,
David Grahme, junr. of Fintrie,
James Ogilvie, junr. of Boyn,
George Mackenzie of Inchoul-
ter,
Alexander Robertson,
Walter Stuart,
Alexander Watson,
Alexander Edgar,
John Black,
James Oswald,
Robert Johnston,
Alexander Duff,
Francis Molleson,
Walter Scott,
George Smith,
Robert Scott,
Robert Kellie,
John Hutchinson,

William

1706. commoners could not hold the balance, against above an hundred peers and five hundred and thirteen commoners. Scotland

William Sutherland,
Archibald Shields,
John Lyon,
George Spence,
William Johnstoun,
John Carruthers,
George Home,
John Bayne,
Robert Frazer.

Then the vote was put, Approve of the first article of the union in the terms of the motion (beforementioned) yea, or not; and it was carried Approve by a majority of thirty-four voices. Then it was moved, that the list of all the members of parliament, as they voted pro and con, be printed, which was agreed to. After which an overture for an act for security of the true protestant religion and government of the church, as by law established, within the kingdom of Scotland, was read and afterwards passed by a majority of seventy-four votes. However the lord Belhaven gave in a protestation, importing, 'That this act was no valid security to the church, in case of an incorporating union; and that the church could have no real and solid security by any manner of union, by which the claim of right was unhinged, the Scots parliament incorporated, and the distinct sovereignty and independency entirely abolished.' To this protestation adhered the dukes of Hamilton and Athol, the marquis of Annandale, the earls of Errol, Marefchal, Wigton, and others.

* Two days after, the second article of the union (namely, That the succession to the monarchy of the united kingdom of Great Britain shall be to the princess Sophia and her issue) was read, and a motion was made, 'That the parliament should proceed to settle the succession upon regulations and limitations in the terms of the resolve mentioned in the minutes of the 4th of November, and not in the terms of the second article of the union.' This was warmly opposed by the court-party, who urged, that the parliament of Great Britain would be more competent judges of what was necessary for the good of the united kingdoms, than that house. To which it was answered, 'That any limitations made by the parliament were alterable by a subsequent parliament: But if, as was by some alledged, the articles of union were to be punctually observed in all future ages, and nothing to be altered in them, without demolishing the whole structure; then it followed, that it was the general interest of all Britain to have such limitations as were necessary to be put upon the succession to the crown, inserted in the articles of union, particularly in what related to Scotland, whose representatives could but act precariously in the parliament of Great Britain.' In the height of this debate it was moved, 'To address her majesty to lay be;

* Second article, Nov. 14.

Scotland would be no more considered as formerly by foreign princes and states: Their peers would be precarious and

1706.

‘ before her the condition of
 ‘ the nation, and the aversion
 ‘ in many persons to an incor-
 ‘ porating union with England,
 ‘ and to acquaint her with the
 ‘ willingness of the house to
 ‘ settle the succession in the
 ‘ protestant line upon limita-
 ‘ tions; and, in order thereto,
 ‘ that a short recess might be
 ‘ granted.’ But this was op-
 ‘ posed, and a vote demanded
 ‘ upon the second article, which
 ‘ at last was stated. But, before
 ‘ voting, the earl Marechal gave
 ‘ in a protest for himself and all
 ‘ those who should adhere to his
 ‘ protestation, importing, that no
 ‘ person could be designed a suc-
 ‘ cessor to the crown of that realm,
 ‘ after the decease of her majesty,
 ‘ and failing issue of her body,
 ‘ who was successor to the crown
 ‘ of England, unless that in the
 ‘ present session of parliament,
 ‘ or any other session of this or
 ‘ any ensuing parliament, during
 ‘ her majesty’s reign, there were
 ‘ such conditions of government
 ‘ settled and enacted, as might
 ‘ secure the honour and sove-
 ‘ reignty of that crown and king-
 ‘ dom, the frequency and power
 ‘ of parliament, the religion, li-
 ‘ berty, and trade of the nation
 ‘ from any English or any foreign
 ‘ influence. To this protestation,
 ‘ forty-six members having ad-
 ‘ hered, it was agreed, that a
 ‘ list of the members should be
 ‘ printed, as they voted, Ap-
 ‘ prove, or not? And that they
 ‘ who adhered to the protest,
 ‘ should likewise be marked.
 ‘ Then the vote was put, Ap-
 ‘ prove, or not? And it was car-

ried, Approve, by fifty-nine
 votes.

On the 18th of November, Third ar;
 the third article (namely, that ticle.

both kingdoms shall be repre-
 sented by one and the same par-
 liament) falling under consider-
 ation, the country-party en-
 deavoured to shew the disho-
 nour and prejudice, that would
 arise to the Scots nation from
 this single article, urging, ‘ that
 ‘ thereby they did, in effect,
 ‘ sink their own constitution,
 ‘ when the English would not
 ‘ allow the least alteration in
 ‘ theirs; That the members of
 ‘ Scotland in the British parlia-
 ‘ ment would bear so small a
 ‘ proportion to the English, that
 ‘ it could not be expected,
 ‘ that the former should ever
 ‘ be able to carry any thing,
 ‘ that should be for the interest
 ‘ of Scotland, against so great
 ‘ a majority, who, though di-
 ‘ vided among themselves a-
 ‘ bout different parties, would
 ‘ yet unite against the Scots,
 ‘ to whom they all bore a na-
 ‘ tural antipathy. That in all
 ‘ nations there are fundamen-
 ‘ tals, which admit of no al-
 ‘ teration by any power what-
 ‘ soever. That the rights and
 ‘ privileges of parliament be-
 ‘ ing one of these fundamentals
 ‘ among the Scots, no parlia-
 ‘ ment, nor any other power,
 ‘ could ever legally prohibit
 ‘ the meeting of parliaments,
 ‘ or deprive any of the three
 ‘ estates of its right of sitting
 ‘ or voting in parliament, or
 ‘ give up the rights and privi-
 ‘ leges of parliament; but that,
 ‘ by

1706. and elective : They magnified their crown with the other regalia so much, that, since the nation seemed resolved never

to

by this treaty, the parliament of Scotland was intirely abrogated, its rights and privileges given up, and those of the parliament of England substituted in their place. That, if the parliament of Scotland could alter their fundamentals, the British parliament might do the same; and if so, what security had the Scots for any thing stipulated in the treaty of union, with respect either to the representation of Scotland in that parliament, or any other privileges and immunities granted to Scotland? That though the legislative power in parliament were regulated and determined by a majority of voices; yet the giving up the constitution, and the rights and privileges of the nation, was not subject to suffrage, being founded on dominion and property; and therefore could not be legally done, without the consent of every person, who had a right to elect, and be represented in parliament. That, by this treaty, not only the constitution of the parliament in general was wholly altered, or rather given up, but the barons and boroughs were aggrieved in their particular rights and privileges. For supposing the twenty-second article, which limits the number of Scots peers, barons, and boroughs, should be rejected; yet, nevertheless, the barons and boroughs were still deprived of their judicial authority, to which they had an undoubted right, and of which the parliament could not deprive their constituents, without their own consent. That though the barons, for their own convenience, consented to be represented by a certain number in parliament, yet they had as good a right to sit, and vote, and advise their sovereign, as the peers themselves, whenever they pleased to re-assume their power, of which the third and twenty-second articles deprived them. And, lastly, it was represented, that the Scots members being obliged to reside so long in London to attend the British Parliament, that alone were sufficient to drain Scotland of all their money in specie. And it was moved, 'That the agreeing to the third article, in relation to the parliament of Great Britain, should not be binding, nor have any effect, unless terms and conditions of an union of the two kingdoms, and particularly the constitution of the said parliament, were finally adjusted and concluded, and an act passed thereupon in the parliament; and that the said terms and conditions be also agreed to and ratified by an act of the parliament of England; the constitution of the parliament of Great Britain being left entire, until the parliament came upon the twenty-second article. It was moved also, to proceed to the consideration of the fourth and other articles of

to suffer them to be carried away, it was provided, in a new clause added to the articles, that these should still remain


of the union before the third ; but it was carried to proceed to the consideration of the third article. After a long debate, a vote was stated, Approve of the third article, in the terms of the motion relating thereto, or not ? And it was carried Approve, by a majority of thirty-one votes. But, before voting, the marquis of Annandale gave in a protest, and desired, that the narrative of the 4th of that month of November might be prefixed thereto, being both together as follows : viz. ‘ Whereas it evidently appears, since the printing, publishing, and considering the articles of treaty now before this house, that this nation seems generally averse to the incorporated union, in the terms now before us, as subversive of the sovereignty, fundamental constitution, and claim of right of this kingdom, and as threatening ruin to this church, as by law established : And since it is plain, that if an union was agreed to in these terms by the parliament, and accepted of by the parliament of England, it would in no sort answer the peaceable and friendly ends proposed by an union, but would, on the contrary, create such dismal distractions and animosities amongst ourselves, and such jealousies and mistakes between us and our neighbours, as would involve these nations into fatal breaches and confusions : Therefore I do protest for

myself, and in the name of those, who shall adhere to this my protestation, that an incorporating union of the crown and kingdom of Scotland with the crown and kingdom of England, and that both nations be represented by one and the same parliament, as contained in the articles of the treaty of union, are contrary to the honour, interest, fundamental laws and constitution of this kingdom, is a giving up the sovereignty, the birth-right of the peers, the rights and privileges of the barons and boroughs, and contrary to the claim of right, property, and liberty of the subjects, and the third act of her majesty’s parliament, 1703, by which it is declared high-treason in any of the subjects of this kingdom, to quarrel, or endeavour by writing, malicious and advised speaking, or open act or deed, to alter or innovate the claim of right, or any article thereof. As also that the subjects of this kingdom, by surrendering the sovereignty of parliaments, are deprived of all security, both with respect to such rights, as are by the intended treaty stipulated and agreed, and in respect of such other rights, both ecclesiastical and civil, as are, by the same treaty, pretended to be reserved to them. And therefore I do protest, that this shall not prejudice the being of future Scots parliaments and conventions, within the king-

1706. main within the kingdom. They insisted most vehemently on the danger, that the constitution of their church must be

‘ kingdom of Scotland, at no
‘ time coming.’ To this protest fifty-two members adhered. The next eighteen articles, from the fourth to the twenty-first, passed without any thing very remarkable; but before the house came to the twenty-second article, which settles the number of the representatives of Scotland in the British parliament, duke Hamilton, having assembled the leading men of the party, who had long opposed the union, exhorted them, ‘ Not to look
‘ back upon what might have
‘ been done amiss by any
‘ amongst them, but to go forwards, and now at last to unite
‘ their efforts to save the nation,
‘ which stood on the very brink
‘ of Ruin.’ After all, who were present, had declared their concurrence, let the consequences be what they would, he proposed, ‘ That the marquis of
‘ Annandale should renew his
‘ motion for settling the succession of the crown upon the
‘ house of Hanover; and, as it
‘ was not to be doubted, but
‘ the same would be rejected,
‘ that then a protestation should
‘ be entered and adhered to by
‘ all, who were against the
‘ union, who, immediately after, should in a body separate
‘ from the other members, and
‘ leave the house, never to return again. And that, in the
‘ next place, a national address
‘ should be forthwith signed
‘ by as many hands as possible, and dispatched to the
‘ queen; urging, that, of all

‘ measures, this was the most
‘ likely to prevail with the English to let the union drop.’ And then he offered the draught of the intended protestation, which had been put into his hands by the marquis of Annandale, but was thought to have been drawn up by Sir James Stuart, the queen’s advocate. The persons present, most of whom were professed Jacobites, having desired a day or two to take the proposal into consideration before they came to a final resolution, the duke of Hamilton was, in the meantime, at no small pains to convince them of the reasonableness of this counsel. The greatest difficulty, with some, was the mentioning their concurrence to settle the succession on the house of Hanover, which they said was a kind of obligation upon them to have recourse to that family, to protect them in opposing the union; whereas their design was to restore the pretender to the Throne, which they thought the present ferment among the people would much advance. To this the duke of Hamilton returned, ‘ That this could
‘ draw no obligation upon them
‘ to adhere to the interest of the
‘ house of Hanover, since they
‘ did not protest against the motion’s being rejected; and,
‘ even supposing it were otherwise, it was not the first time
‘ they had made greater
‘ stretches, with a design, that
‘ good might come of it, and
‘ he hoped this would be the
‘ last. For, added he, this
‘ bold

be in, when all should be under the power of a British parliament: This was pressed with fury by some, who were known 

‘ bold protestation, backed by
 ‘ the separation, will not only
 ‘ confound the English, but
 ‘ likewise encourage our coun-
 ‘ trymen, and engage them to
 ‘ support us. And, for my
 ‘ part, I am of opinion, that,
 ‘ if the English do not desist
 ‘ from prosecuting the union,
 ‘ we must have recourse to arms,
 ‘ and call over the king; nor
 ‘ do I doubt but the nation will
 ‘ concur with us, to save them-
 ‘ selves from utter ruin.’ By
 these arguments and considera-
 tions all were brought over,
 and at the next meeting de-
 clared their approbation, pro-
 mising to adhere to the protesta-
 tion, which, it was taken for
 granted, the duke of Hamilton
 would present; only the duke
 of Athol could by no reasons
 be prevailed upon to adhere to
 the protestation, on account of
 the clause relating to the house
 of Hanover; but he engaged to
 join with the rest in leaving the
 house, and concerting further
 measures. All things being thus
 adjusted, and the next day ap-
 pointed for the execution, great
 numbers of gentlemen and emi-
 nent citizens flocked that morn-
 ing about the parliament-house,
 to wait the issue, and, in case
 of need, to assist the separating
 members. But all their hopes
 were soon defeated; for the
 duke of Hamilton, pretending
 to be seized with a violent tooth-
 ach, refused to go to the house.
 Some of his friends having
 boldly expostulated with him
 about his fluctuating and am-
 biguous conduct, which bore so

near a resemblance to that of
 his grandfather, in the reign
 of king Charles I, he was at
 last prevailed with to go to the
 parliament house; but, not-
 withstanding all the pressing
 instances his friends made to
 engage him to present the in-
 tended protestation, he still re-
 fused to do it, and only pro-
 mised to be the first adherer.
 So much time was therefore
 spent in this private contest
 among the cavaliers, that the
 opportunity was lost, and in a
 few days, great numbers of
 those who had strenuously op-
 posed the union left the house
 in despair; so that, when the
 22d article came to be read
 and debated, it met with little
 or no opposition. Only, be-
 fore approving the first para-
 graph, Mr. George Lockhart
 of Carnwath entered a protest,
 with relation to the privileges
 of the barons; as the duke of
 Athol did another, relating to
 the several branches of that ar-
 ticle; the earl of Buchan a third,
 with relation to the rights of
 the peers; Sir Walter Stuart of
 Pardoun a fourth, in behalf
 of the peers, barons, and bo-
 roughs; the earl of Errol a
 fifth, with relation to his here-
 ditary office of high-constable;
 and the earl of Marischal a
 sixth, in relation to his heredi-
 tary office of earl-marshal of
 Scotland. The earl of March-
 mont inveighed and protested
 in very severe terms against
 these protestations, as presump-
 tuous, illegal, unwarrantable,
 and seditious; after which, the
 first

1760. known to be the most violent enemies to presbytery, of any in that nation : But it was done on design, to inflame that body

first paragraph of the twenty-second article was approved by a majority of forty voices ; and then the second paragraph, relating to the calling the representatives of Scotland to the parliament of Great-Britain, was also approved with some amendments.

On the 8th of January it was moved in parliament, that the protests given in the former sitting by the duke of Athol, earl of Buchan, George Lockhart of Carnwath, and Walter Stuart, should be neither inserted in the minutes, nor printed ; and the earl of Marchmont gave in a protestation against these four protests, and the lord-chancellor, the marquis of Montrose, president of the council, the duke of Argyle, the marquisses of Tweedale and Lothian, and most of the well-effected to the union, adhered thereto. The next day, the lord Balmerino gave in a protestation against that of the earl of Marchmont, to which the duke of Hamilton and his party adhered ; and after some debate it was agreed, that none of these protests be inserted at length in the minutes, or printed, but that they be all recorded in the books of parliament. Then, the third paragraph of the twenty-second article being approved, the remaining part of the article was read, and after some reasoning, and reading of the oath to which it relates, an overture was given in for an additional clause, for explaining the word limitation, mentioned in the oath ap-

pointed to be taken by Stat. 13. Will. III. cap. 6 ; as also an overture for exempting persons in any office or employment in Scotland, from taking the oath of abjuration mentioned in the article. A third overture was also given in for a clause, importing, ' That, so long as the act appointing the sacramental test shall continue in force in England, all persons in public trust, within the limits of Scotland, shall swear, and sign a Formula thereto subjoined, in manner, and under the penalty therein mentioned.' After reading these three overtures, and reasoning thereon, a vote was started, Approve of the twenty-second article of union as explained, or not ? But before voting it was agreed, that, notwithstanding the vote, and that the article should thereby be approved, it should nevertheless be intire and free afterwards to proceed on the overtures next sitting, and to the parliament to give their sentiments thereon : And, it being thereupon moved to adjourn the vote for approving the article till next sitting, a previous vote was stated, Proceed or delay : And it was carried, Proceed. Then the vote being put, Approve the twenty-second article, as explained, or not, it was carried Approve.

On the 10th of January, the overture for exempting persons in any office or employment in Scotland from taking the oath of abjuration, mentioned in the twenty-second article of union, being

nen by those apprehensions, and so to engage them in their opposition. To allay that heat, after the general

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d, and dropped, the or an additional clause nty-second article, for the word limitation, in the oath appointed by 13 Will. III. as again read, viz. it is declared, that, word limitation in the ntioned in the above s only understood, en- e succession, and not tions of government e successor; and that ns of Scotland, who iable to take the oath, in that sense only.' some debate, the vote for adding the said was carried in the ne- Then the third over- clause to be added to -second article, men- he minutes of the last s again read in these And further it is a- hat, so long as that the second act, Anno . 20, appointing a tal test, shall stand tinue in force in Eng- ll persons in public vil or military, with- nts of Scotland, shall nd sign the formula iten, within 6 months e commencement of n; and all, who shall itted to any public reafter, shall, before cising their office of ear and subscribe the o be administered by of the privy-council, ne of them, under the alties and disabilities, XVI.

' as are provided by the afore-
' said act, made in the parlia-
' ment of England.' The for-
' mula was thus: ' I, A. B. do
' sincerely declare, in the pre-
' sence of God, that I own the
' presbyterian government of
' the church, as by law esta-
' blished in Scotland, to be a
' lawful government of the
' church; and that I shall ne-
' ver, directly nor indirectly,
' endeavour the subversion
' thereof, nor any alteration in
' the worship, discipline, or go-
' vernment of the church, as
' by law established: So help
' me, God.' But, after some
debate, this clause was re-
jected by a majority of thirty-
five voices. Then the twenty-
third article of union was read,
and, on the 13th of January,
an overture was given in, for
adding a clause thereto, in
these words: ' With this ex-
' press prohibition, that none
' of the peers of Scotland shall
' have personal protection with-
' in Scotland, for any debt ow-
' ing before the commence-
' ment of the union.' As also
another overture, for adding
a clause, importing, ' That all
' the peers of that part of
' Great-Britain, called Scot-
' land, qualified according to
' law, should, after the union,
' have the right to sit covered in
' the house of peers of Great-
' Britain, notwithstanding that
' the right to give vote there-
' in belongs only to the sixteen
' peers, who were summoned
' in the manner appointed by
' the preceding article.' After
reason-

1706. general vote was carried for the union, before they entered on the consideration of the particular articles, an act was prepared

reasoning upon these two overtures, and upon two separate motions, the first in relation to allowing all the peers of Scotland to sit upon the trial of the peers of Britain; and the other in relation to their precedency according to their patents; the vote was stated in these terms, Approve the twenty-third article of union, or alter, reserving intire the consideration of the above two overtures, and whether the same shall be added to the article; and it was carried, Approve. Then the first overture for the clause in relation to personal protection, and the second clause in relation to all the peers of Scotland sitting covered in the house of peers of Great-Britain, were debated, and both severally rejected.

Jan. 14. The next day, the twenty-fourth article was read; whereupon a memorial was given for Lyon king at arms, in relation to his precedency; which being read and debated, it was at last agreed, that his rank should be left to her majesty. There was another clause offered to be added to the twenty-fourth article, 'That the crown, scepter, and sword of state, records of parliament, and all other records, rolls, and registers whatsoever, both public and private, general and particular, and warrants thereof, continue to be kept, as they are, in that part of the united kingdom, now called Scotland; and that they shall so remain in all times coming, notwithstanding the union.' Which being

read, was agreed to be added, and was accordingly subjoined, and the article, thus amended, read over and approved; as was also the twenty-fifth article, without any opposition.

On the 15th of January, the draught of an act, ratifying and approving the treaty of union of the two kingdoms of Scotland and England, was given in, and offered to be read: Whereupon it was moved, that the parliament should first proceed to the constitution of the manner of electing the representatives for Scotland to the parliament of Great-Britain; and either now determine that matter, or appoint a day for that end. After debate the vote was stated, 'Proceed to the ratification of the treaty of union, and act for security of the protestant religion and presbyterian church government, or to the constitution of the manner of erecting the representatives of Scotland.' But, before voting, it was agreed, that, in case it should be carried to proceed to the ratification, the parliament would immediately after passing the act of ratification, proceed to the constitution of the manner of electing the representatives for Scotland. Then the vote being put, it was carried to proceed to the ratification: After which, the draught of the act, ratifying, approving, and at length narrating the articles of union, as enlarged, explained, and amended, and the act of security of the protestant religion,

prepared for securing the presbyterian government : By which it was declared to be the only government of that church, unalterable in all succeeding times, and the maintaining it was declared to be a fundamental and essential article and condition of the union ; and this act was to be made a part of the act for the union, which, in the consequence of that, was to be ratified by another act of parliament in England. Thus those, who were the greatest enemies to presbytery, of any in the nation, raised the clamour of the danger that form of government would be in, if the union went on, to such a height, that by their means this act was carried, as far as any human law could go, for their security : For, by this they had, not only all the security that their own parliament could give them, but they were to have the faith and authority of the parliament of England, it being, in the stipulation, made an essential condition of the union : The carrying this matter so far was done, in hopes that the parliament of England would never be brought to pass it. This act was passed, and it gave an intire satisfaction to those who were disposed to receive any ; but nothing could satisfy men, who made use of this, only to inflame others.

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ligion, and presbyterian church-government, was read ; and, after some discourse, a first reading was marked thereon.

* The next day, the act was read a second time ; and then the act for security of the protestant religion, and presbyterian church-government, inserted in, and ratified by that act, was touched with the royal Scepter. Immediately after this, there was laid before the house a representation and petition of the church of Scotland, importing, ' That being informed, that ' the parliament were passing ' an act of ratification of the ' articles of the treaty of union, ' declaring, that the parliament ' of England might provide for ' the security of the Church of ' England, as they should think ' expedient, to take place within ' the kingdom of England, and

' not derogating from the secu- ' rity provided for the church ' of Scotland : Which clause ' seemed to them not only to be ' like a blank, put into the ' hands of the parliament of ' England, to exact what they ' should think fit, for securing ' the hierarchy and ceremonies ' of their church ; but also a ' consent, that it be an article ' and fundamental of the uni- ' on : They therefore besought ' the high commissioner and the ' estates of parliament, that ' there be no such stipulation ' or consent for the establish- ' ment of that hierarchy and ' ceremonies, as they would ' not involve themselves, and ' the Scots nation, in guilt, and ' as they consulted the peace ' and quiet of that nation ' both in church and state.' An act for the security of the presby-

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1706. The party, who opposed the union, finding the majority against them, studied to raise a storm without doors, to terrify them. A set of addresses against the union were sent round all the countries, in which those, who opposed it, had any interest. There came up many of these in the name of counties and boroughs, and at last from parishes. This made some noise abroad, but was very little considered there, when it was known, by whose arts and practices they were procured. When this appeared to have little effect, pains were taken to animate the rabble to violent attempts, both at Edinburgh and at Glasgow. About two or three thousand commoners came in arms to Dumfries, and publicly burnt the articles of union, and affixed on the market-cross a declaration of their reasons for so doing. Sir Patrick Johnston, lord provost of Edinburgh, had been one of the commissioners, and had concurred heartily in the design. A great multitude gathered about the house, and were forcing the doors, on design, as was believed, to murder him; but guards came and dispersed them. Upon this attempt, the privy-council published a proclamation, the next day, against tumults, and gave orders for quartering the guards within the town. But, to shew that this was not intended to overawe the parliament, the whole matter was laid before them, and the proceedings of the privy-council were approved. Although no person of distinction appeared among the rioters, yet it was no difficult matter, to guess from what quarter that disturbance came, since, at the same time, that they insulted the high-commissioner, and other well-wishers to the union, they attended the duke of Hamilton with loud acclamations, as he passed the streets to and from the parliament. However, no other considerable attempt was made after this; but the body of the people shewed so much sullenness, that probably, had any person of authority once kindled the fire, they seemed to be of such combustible matter,

presbyterian church-government in Scotland, having already been passed, this representation was, by all sober men, looked upon as frivolous and impertinent; and therefore, after the duke of Argyle had given in a protestation for his privilege of the first vote in parliament,

which was opposed by a counter-protect from the duke of Hamilton, the act for ratifying and approving the treaty of union, &c. was approved by a majority of one hundred and ten voices, and touched with the royal Scepter.

matter, that the union might have cast that nation into great convulsions (1). These things made great impressions upon the

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(1) The common people are said to have been so enraged, that they threatened to come up in a body to Edinburgh, and dissolve the parliament. But none shewed more zeal on this occasion than the western shires, where a vast number of people, and chiefly the Cameronians, were willing to venture their all to oppose the union; for which purpose they had several meetings, divided themselves into regiments, chose their officers; provided themselves with horses, arms, and ammunition; mentioned the restoration of the king, as the only means to save their country; were so far reconciled to the northern parts, and episcopal party (whom they formerly hated on account of their different principles in religion) that they were inclined to concert measures with them, and had appointed correspondents in all places throughout the kingdom to strengthen and encourage their party, and to feel the pulse of those members of parliament, who were against the union. There was one Cunningham of Echet, who had been very forward in promoting the late revolution; but upon the peace of Ryswick, the regiment, whereof he was major, being broke, he went to Darien, and, after the ruin of that enterprize, returning to Scotland, he lived privately and meanly at his country house. He had made frequent applications for an employment, but though new levies were made, upon the war breaking out a-

gain, he could never obtain to be provided for in the army, which he ascribed to his having been employed by the Darien company, and at which he was not a little disgusted. As he waited for an opportunity to shew his resentment, he was soon known to the western agents, and, being of the presbyterian principles, intirely trusted by them. Having concerted measures with Mr. Brisbane of Bishoptown, Mr. Cochrane of Kilmarnock, and Mr. Lockhart of Carnwath, three staunch cavaliers, who assured him, that the duke of Hamilton approved his design of bringing up the Cameronians to dissolve the parliament, and that the duke of Athol readily undertook to cause his Highlanders to secure the pass of Stirling, to open a communication with the northern parts, major Cunningham took a progress through the western shires, and, by his dextrous management, brought things to such a consistency, that seven or eight thousand men, well armed, were ready to rendezvous at the town of Hamilton, in order to march forwards to Edinburgh under his command. But, a day or two before they were to meet, the duke of Hamilton, without acquainting any of those who had concerted this design, sent privately expresses through the whole country, strictly requiring them to put it off till another time: so that not above five hundred, more forward than the rest, came to the place appointed,

1706, the duke of Queensberry, and on some about him. He despair'd of succeeding, and he apprehended, that his person might

appointed, which intirely broke major Cunningham's measures. What induced the duke of Hamilton to act as he did on this occasion, the Scotch memorialist, who was privy to the design, leaves undetermined, acquainting us, 'That some swore he had made his terms with the court; others saying, that he was afraid to venture, by reason of his estate in England; and that the only thing that was alledged in his behalf, was, that he thought the nation was not in a condition to carry on such an enterprise at that time, because the English had sent their troops to the borders, and more forces might soon be waisted over from Holland, and so the Scotch nation be undone.' But Fletcher of Salton used to declare to his friends, that this conduct of the duke fully convinced him of his treachery to his party. This project of dissolving the parliament, carried on by Cunningham, having miscarried, the party bethought themselves of another expedient to prevent the union, which was (according to a precedent in the minority of James the fifth) to invite as many of the barons, freeholders, and heritors, as could possibly be got, to Edinburgh, that they might in a body attend the lord high-commissioner, and (by a prolocutor) intreat his grace, either to lay aside the intended union, or, at least, to grant a recess, until they had informed the queen of

the present temper and disposition of the nation, and obtained an order for calling a new parliament, to provide against the calamities that were like to ensue: And, whether, his grace granted, or refused this demand, they resolved that a national address, to that purpose, should be signed, and forthwith sent up to the queen. This counsel came first from the duke of Athol, and Mr. Fletcher of Salton: and, being relished and recommended by the duke of Hamilton, was generally approved by the cavaliers, who acquainted their friends in the country with the design, and desired them to come privately to Edinburgh, against a certain prefixed day. In the mean time, Mr. Henry Maul, brother to the earl of Panmure, was pitched upon for the prolocutor; and the form of an address to the queen concerted and agreed to, by all who were in the secret; wherein they made it their most humble supplication to her majesty, that she would be graciously pleased to discountenance this treaty, and call both a new parliament and a general assembly of the church of that kingdom. Against the day appointed, above five hundred gentlemen were actually come to Edinburgh, and many more were upon the road. But, the very next day, the duke of Hamilton acquainted those in concert with him, That, unless they added a clause to the address, intimating their readiness to settle the succession in the

house

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might be in danger. A friend of his wrote to the lord-treasurer Godolphin, representing the ill temper the nation was generally in, and moved for an adjournment, that so, with the help of some time and good management, those difficulties, that seemed then insuperable, might be conquered. The lord-treasurer's answer was, that a delay was, upon the matter, laying the whole design aside. Orders were given both in England and Ireland to have troops ready upon call; and, if it were necessary, more forces should be ordered from Flanders. The French were in no condition to send any assistance to those, who might break out: so that the circumstances of the time were favourable. The lord Godolphin desired therefore, that they would go on, and not be alarmed at the foolish behaviour of some, who, whatever might be given out in their name, he believed, had more wit than to ruin themselves (a). Every
step

house of Hanover, he would by no means be concerned in it; urging, that, without such a clause, the English Tories, who (it was expected) would oppose the union in the English parliament, could have no foundation to go upon. This objection was no small surprize to the cavaliers, who generally looked upon it as intended to break the design; since the duke of Hamilton could not be ignorant, that the far greater part

of the gentlemen, who were come up to Edinburgh, would never consent to such a clause. Two or three days being spent in endeavouring to make up this difference, the country gentlemen grew weary of spending their time and money to no purpose, so that many of them returned home; and the government, having been informed of the design, resolved to put an effectual stop to it.

(a) Besides the precautions used to preserve the public tranquillity, and protect the well-affected from the insults of the male-contented, other methods were employed to remove the obstacles which the union met with in the house. The lord Godolphin prevailed with the queen to lend her Scots treasury

the sum of twenty thousand pounds, which the earl of Glasgow is said to have distributed to the best advantage, and for which he, some years after, accounted with the commissioners of public accounts. Lockhart gives a list of the persons, to whom, the earl declared upon oath, he distributed the money.

	l.	s.	d.
To the earl of Marchmont	1104	15	7
To the earl of Cromarty	300	00	0
To the lord Preston-Hall	200	00	0

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1706. step that was made, and every vote that was carried, was with the same strength, and met with the same opposition: both parties giving strict attendance during the whole session, which lasted three months. Many protestations were printed, with every man's vote. In conclusion, the whole articles of the treaty were agreed to, with some small variations,

Death of the earl of Stair, The earl of Stair, who had all along exerted himself with great zeal in favour of the union, and who, though much indisposed, came on the 7th of January to the parliament-house, and maintained the debate upon the twenty-second article, died suddenly the next night, his spirits being quite exhausted by the length and vehemence of the debate. He was son of Sir James Dalrymple, formerly president of the session, and afterwards created viscount and earl of Stair. He was succeeded in honour and estate by his son the lord John Dalrymple.

To the lord Ormiston, lord justice-clerk	200 00 0
To the duke of Montrose	200 00 0
To the duke of Athol	1000 00 0
To the earl of Belcarres	500 00 0
To the earl of Dunmore	200 00 0
To the lord Anstruther	300 00 0
To Mr. Stuart, of Castle-Stuart	300 00 0
To the lord Elphinston	200 00 0
To the lord Frazer	100 00 0
To the lord Cessnock, now Polwarth	50 00 0
To Mr. John Campbel.	200 00 0
To the earl of Findlater	100 00 0
To Sir Kenneth Mackenzie	100 00 0
To the earl of Glencairne	100 00 0
To the earl of Kintore	200 00 0
To the earl of Forfar	100 00 0
To John Muir, provost of Aire	100 00 0
To the lord Forbes	50 00 0
To the earl of Seafield, lord chancellor	400 00 0
To the marquis of Tweeddale	1000 00 0
To the duke of Roxburgh	500 00 0
To the lord Eltbank	50 00 0
To the lord Bamf	11 02 0
To major Cunningham of Echel	100 00 0
To the messenger that brought down the union	60 00 0
To Sir William Sharp	300 00 0
To Patrick Coultrain, provost of Wigtoun	25 00 0
To Mr. Alexander Wedderburn	75 00 0
To the commissioners for equipage and daily allowance	12325 00 0

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As soon as the act for ratifying the treaty of union was passed, the next business which the parliament went upon, was the preparing an act for settling the manner of electing the sixteen peers and forty-five commoners, to represent Scotland in the parliament of Great-Britain; and on the 12d of January, the question was put, Whether the sixteen peers should be sent by rotation or election? And it was carried by election. And then upon the question, Whether the election should be by balloting, or by open election? It was carried for the latter. It was also debated, what proportion the shires and boroughs should have of the forty-five members, that were to sit in the house of commons of Great Britain; and it was agreed, that thirty should be the number for the shires, and fifteen the number for the boroughs. It was resolved, that the borough of Edinburgh, by itself, should have one representative; and then a scheme, dividing the boroughs into fifteen districts, one of which was to have one representative, was given in, read, and approved.

On the 31st of January, the parliament proceeded to consider the motion for allowing the commissioners for the treaty of union their expences; and a resolve was brought in, for allowing each nobleman twelve thousand pounds Scots, and each other commissioner six thousand pounds; their secretary four thousand eight hundred pounds; and to each of the three accountants two thousand four hundred pounds Scots, out of the equivalent, *pari passu*, with public debts, after the African company: which, after some debate, was approved. Then it was moved and agreed, That the commissioners for the treaty in 1702, should likewise be allowed their expences; viz. each nobleman five hundred pounds; each baron three hundred pounds; and each borough two hundred pounds sterling: which sums were declared to be a public debt, and referred to the committee to state the same as such. After this it was moved, "That no representative to the parliament of Great-Britain, either for shire or borough, should have any allowance for their charges in attending the same." But, his being adjourned to the next sitting, on the 3d of February, it was then resolved, "That nothing in relation to the expences of the representatives of shires and boroughs, should be inserted in the act for settling the manner of electing the sixteen peers, and forty-five commoners." Then it was moved, "That at all meetings of the peers for electing their representatives, such peers as were ab-

1706.

The manner of electing the sixteen peers.

sent,

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Feb. 5.

“ sent, be allowed to vote by proxy; the parties being
 “ peers, and they and their constituents being qualified by
 “ taking the oaths required by law. And then the absent peers
 “ might either vote by their proxies, or by sending up a
 “ list subscribed by them.” And, after reasoning thereon,
 it was carried for allowing proxies. Afterwards it was
 agreed, that the meeting of the peers for the election, should
 be at any place the queen should appoint within the king-
 dom of Scotland; as also, that, in case of the decease or
 promotion of any of the forty-five commoners, to be chosen
 by this session of parliament to the parliament of Great-
 Britain, the district, for which he was a member, upon a
 writ directed to them for that effect, should chuse another
 in his place. And it was agreed likewise, that, in case of
 the decease of any of the sixteen peers, the peers should
 meet and elect another in the room of the deceased, upon a
 writ directed to them for that purpose. Then it was moved,
 That such peers of Scotland, who were also peers of Eng-
 land, who, after the union, should be created peers of
 Great-Britain, should have no vote in the election of the
 sixteen peers from Scotland to the parliament of Great-
 Britain: and, after some debate, it was agreed, that no-
 thing, in relation to this motion, should be inserted in the
 act. It was also agreed, that, when the commissioners for
 boroughs, who should meet for electing their representatives,
 should happen to be equal, the president of the meeting
 should have the casting vote; and that the commissioners for
 the eldest borough, should preside at the first meeting, and
 the commissioners for the other boroughs by turns, as the
 boroughs were then called in the rolls of parliament. After
 this, the act for settling the manner of election was ap-
 proved and confirmed by the touch of the royal scepter.
 The same day, a proclamation concerning the coin was
 brought in from the committee, read, voted, and approved.
 A few days after, the house proceeded to elect the represen-
 tatives for Scotland in the first parliament of Great-Britain;
 and, the three estates having retired to their usual places,
 they returned, and reported their respective elections. As
 it was resolved, that the parliament of England should sit
 out its period, which by the law for triennial parliaments,
 ran yet a year farther, in order to have another session con-
 tinued of the same men who had made the union (since
 they would more readily consolidate and strengthen their
 own work) so, upon this ground, it seemed most proper,
 that the members to represent Scotland should be named by
 the

the parliament there. Those who had opposed the union, carried their aversion to the Squadrone so far, that they concurred with the ministry in a nomination, in which very few of them were included, not above three peers, and fifteen commoners; so that great exceptions lay against many who were nominated to represent that kingdom: all this was very acceptable to the opposers of the union (a).

The remainder of the session was spent, among other affairs, in examining the accounts of the African and Indian company, and providing for the due application of the equivalent. In disposing of this sum, great partialities appeared, which were much complained of, but there was not strength to oppose them. The ministry, and those who depended on them, moved for very extravagant allowances to those who

The parliament of Scotland is adjourned.

(a) These representatives were :

For the LORDS,
The duke of Queensberry.
The earl of Seafield, chancellor.

The marquis of Montrose, lord-keeper of the privy-seal.

The marquis of Tweeddale.

The marquis of Lothian,

EARLS.

Mar, Loudon, Crawford, Sutherland, Roxburgh, Wemyss, Leven, Stair, Roseberry, Glasgow, Ilay,

For the BARONS,

W. Nisbet, of Durlington.
John Cockburne, jun. of Ormiston.

Sir W. Ker, of Greenhead.

Sir John Swintoun, of that Ilk.

W. Bennet, of Grubbet.

Archibald Douglas, of Cavers.

Mr. J. Murray, of Bowhill.

Mr. J. Pringle, of Haining.

W. Morleson, of Preston-Grange.

Geo. Baillie, of Jerviswood.

Sir John Johnston, of Westerhall.

Mr. J. Stuart, of Sorbie.

M. F. Montgomery, of Grifan.

W. Dalrymple, of Glenmure.

Sir R. Pollock, of that Ilk.

John Halden, of Glenargies.

Mungo Graham, of Gorthy.

Sir D. Ramsay, of Balmain.

Sir Tho. Burnet, of Leys.

W. Seatoun, jun. of Pitmedden.

Alexander Grant, of that Ilk, jun.

Hugh Ross, of Kilravock.

Sir K. Mackenzie, of Gromarty.

Mr. J. Campbell, of Mammore.

Sir J. Campbell, of Auchinbrek.

Ja. Campbell, of Arkinlask.

Ja. Halyburton, of Pitcurr.

A. Abercrombie, of Glassloch.

A. Douglass, of Eagleshaw.

John Bruce, of Kinross.

For the BOROUGHs,

Sir Pat. Johnston.

Lieut. col. John Erskine.

Hugh Montgomery.

James Scot.

Sir John Erskine.

Mr. P. Moncreif, of Ready.

Sir Andrew Home.

Sir Peter Halket.

Sir James Smollet.

Sir David Dalrymple.

Mr. John Clerk.

Mr. Patrick Ogilvie.

George Allardice.

Daniel Campbell, Esq;

Mr. Alexander Maitland,

1706. who had been employed in this last, and in the former treaty; and they made large allotments of some public debts, that were complained of as unreasonable and unjust; by which a great part of the sum was diverted from answering the end for which it was given. This was much opposed by the Squadrone; but as the ministers promoted it, and those who were to get by it, made all the interest they could to obtain it (some few of them only excepted, who, as became generous patriots, shewed more regard to the public, than to their private ends) so those who had opposed the union, were not ill pleased to see this sum so misapplied; hoping, by that means, that the aversion which they endeavoured to infuse into the nation against the union, would be much increased; therefore they let every thing go as the ministers proposed, to the great grief of those who wished well to the public (a).

Mar. 25. The business of the session being ended, the high-commissioner went to the parliament-house in great solemnity, being attended by the whole troop of life-guards, and all the nobility and gentry in their coaches, and, having touched with the royal scepter several acts, made the following speech to the parliament:

My lords and gentlemen,

“THE public business of this session being now over, it is full time to put an end to it. I am persuaded that we and our posterity will reap the benefit of the union of the two kingdoms; and, I doubt not, but, as
“ this

(a) The commissioners appointed (June 6, 1707) under the seal of Great-Britain, for managing the equivalent, were: Sir Andrew Hume.

William Dalrymple, of Glenmure, Esq;

Sir Robert Sinclair, of Stevenson.

Sir Thomas Burnet, of Leys.

Sir John Erskine, of Alva.

Sir James Campbell, of Aberurhill.

Sir John Swintoun, of Swintoun.

Sir James Smollet, of Bowhill.

Sir Patrick Johnston, late provost of Edinburgh.

Sir Francis Grant, advocate.

George Baillie, of Jerviswood.

John Halden, of Glenargies.

John Bruce, of Kinross.

William Seaton, of Pitmedden, jun.

John Clark, of Pennycook, jun.

Alexander Abercromby, of Glasloch.

Mungo Graham, of Gorthy.

John Pringle, of Haining.

John Graham, of Douglaston.

— Douglass, of Kollhead.

Daniel Campbell, of Arntennet, Esqrs.

Sir John Cope, Knt.

Jacob Reynardson.

John Bridges.

James Houlblon, Esqrs.

" this parliament has had the honour to conclude it, you
 " will, in your several stations, recommend to the people
 " of this nation a grateful sense of her majesty's goodness
 " and great care for the welfare of her subjects, in bringing
 " this important affair to perfection; and that you will
 " promote an universal desire in this kingdom, to become
 " one in heart and affections, as we are inseparably joined
 " in interest with our neighbour nation.

My lords and gentlemen,

" I have a very deep sense of the assistance and respect I
 " have met with from you in this session of parliament;
 " and I shall omit no occasion of shewing, to the utmost
 " of my power, the grateful remembrance I have of it."

The parliament being adjourned to the 22d of April, the
 duke returned to the queen's palace in the same solemnity as
 he went to the house, and gave a splendid entertainment to
 the nobility and gentry. The day before, the draught of a
 letter from the parliament to the queen was brought in,
 voted, and approved; and, the duke having thus happily
 concluded this session, and surmounted all the difficulties
 which he met with, he set out, a few days after, for Lon-
 don, where he arrived the 16th of April, being met several
 miles out of town by many noblemen and gentlemen in
 their coaches, to the number of above forty, and by near
 four hundred persons on horseback. The next morning he
 waited upon the queen at Kensington, where he was very
 graciously received.

T H E
H I S T O R Y
O F
E N G L A N D.

B O O K XXIX. CHAP. IV.

The second session of the queen's second parliament.—Debates in the house of lords about the union.—The queen's speech about it.—Debates about the articles of it.—A bill for enacting the union.—Queen's speech at passing the union bill.—Ill use of the 4th and 6th articles prevented.—Remarks on the union.—The parliament reviv'd by proclamation.—Changes and promotions.—Convocation would have opposed the union, but prevented.—Expectations of the next campaign not answered.—Milanese evacuated.—Affairs of Spain.—The battle of Almanza.—Affairs of Germany.—The duke of Marlborough goes to the king of Sweden.—His character—and proceedings.—Campaign in Italy.—Conquest of Naples.—Design upon Toulon fails.—Remarks on it.—Sir Cloudesly Shovel drowned.—Affairs at sea.—King of Prussia adjudged prince of Neuchatel.—Marriages of the kings of Spain and Portugal.—An attempt to carry off the dauphin.—Affairs of Ireland.—Proceedings with regard to Scotland.—A new party at court.—The first parliament of Great-Britain.—Complaints of the admiralty.—Resolutions to make the union more complete.—Act of security repeal'd.—Debate about the affairs of Spain.—The queen address'd to make peace without the restitution of Spain.—The French prophets.—Correspondence with France discover'd.—Gregg tried and executed.—Inquiry into the affairs of Spain.—Proceedings about Scotland.—Harley quits, and is succeeded by Boyle.—Descent upon Scotland design'd.—Preparations against it.—Remark on the variation of the queen's stile in her speeches.—English forces march to Scotland.—Report spread by the French.—Parliament dissolved.—Death and character of Sir Edward Seymour.—The first privy-council of Great-Britain.—Lord Griffin ordered for execution, but reprieved.—The duke of Marlborough goes to Holland.

1706.

IT was the general opinion, and perhaps the first resolution of the court, that the parliament of England should not sit, till that of Scotland had finished the affair of the union; but, that drawing into a great length, and the queen's occasions not admitting of delays, the parliament of England, which, on the 21st of November, had been further prorogued to the 3d of December, met that day at Westminster; and the queen, being come to the house of peers with the usual solemnity, made the following speech to both houses:

My lords and gentlemen,

“ I Hope we are all met together at this time with hearts truly thankful to almighty God, for the glorious successes with which he has blessed our arms and those of our allies, through the whole course of this year; and with serious and steady resolutions to prosecute the advantages we have gained, till we reap the desired fruit of them in an honourable and durable peace. The queen's speech. Pr. H. C. III. 45.

“ The goodness of God has brought this happy prospect so much nearer to us, that, if we be not wanting to ourselves, we may, upon good grounds, hope to see such a balance of power established in Europe, that it shall no longer be at the pleasure of one prince to disturb the repose, and endanger the liberties of this part of the world.

“ A just consideration of the present posture of affairs, of the circumstances of our enemies, and the good disposition of our allies, must needs excite an uncommon zeal; and animate us to exert our utmost endeavours at this critical conjuncture.

Gentlemen of the house of commons,

“ As I am fully persuaded you are all of this mind, so I must earnestly desire you to grant me supplies sufficient for carrying on the war next year in so effectual a manner, that we may be able to improve every where the advantages of this successful campaign. And I assure you, I shall make it my business to see all you give applied to those ends with the greatest care and management.

My lords and gentlemen,

“ In pursuance of the powers vested in me by act of parliament, both in England and Scotland, I appointed commissioners to treat of an union between the two kingdoms. And though this be a work of such a nature, as could not but be attended with great difficulties, yet such has been the application of the commissioners, that they have concluded

1706.

“ concluded a treaty, which is at this time before the parliament of Scotland; and, I hope, the mutual advantages of an intire union of the two kingdoms will be found so apparent, that it will not be long before I shall have an opportunity of acquainting you with the success which it has met with there.

“ Your meeting at this time being later than usual, I cannot conclude, without earnestly recommending to you to give as much dispatch to the public affairs, as the nature of them will admit, it being of the greatest consequence, that both our friends and our enemies should be fully convinced of your firmness, and the vigour of your proceedings.”

This speech was received with uncommon applause both within and without doors; and, two days after, each house, in a body, attended the queen with their congratulatory addresses. The lords, in particular, took notice of “ the universal joy and satisfaction, upon the public declaration, which her majesty, in concert with the States-general, made to the ministers of the other confederate princes, that no negotiations of peace should be entered into, but in conjunction with all the members of the grand alliance: which generous method would prevent the indirect and dangerous practice of the common enemy; put a stop to clandestine and corrupt transactions; and must not only remove all present jealousies from the allies, but create in them a lasting confidence and reliance on her majesty’s honour and justice.” This was intended to keep the queen steady to the measures, which had been suggested to her by the duke of Marlborough and the lord-treasurer Godolphin, upon a well-grounded surmise, that Mr. secretary Harley, who had, by this time, insinuated himself very deep into the queen’s confidence, endeavoured to infuse pacific counsels; which were more agreeable to the queen’s temper, and more suitable to his own ambitious designs. The commons, on their part, passed also a compliment on the ministry, by telling the queen, “ That the experience they had of the prudent administration, and the great care and management in the application of the public aids, encouraged them to assure her, that they would cheerfully give such speedy and effectual supplies, as, by the continuance of God’s blessing upon her arms, might establish the ballance of power in Europe by a safe, honourable, and lasting peace.” To both these addresses, the queen returned very gracious answers.

Pursuant

Pursuant to their promise, the commons proceeded on the supply with all imaginable dispatch. In less than a week ^{1706.} they voted the necessary sums for the fleet and army, granted Supplies an aid of four shillings in the pound upon all lands, and granted continued the duties upon malt. Upon presenting these money-bills, the speaker of the commons made a speech to her majesty, importing, "That as the glorious victory ob- The
 "tained by the duke of Marlborough at Ramillies was speaker's
 "so surprising, that the battle was fought before it could speech on
 "be thought the armies were in the field; so it was no less that mo-
 "surprising, that the commons had granted supplies to her tion.
 "majesty, before her enemies could well know that her Pr. H. C.
 "parliament was fitting." And the queen, on her part, III. 47.
 made a speech to both houses, wherein having repeated to them "her great satisfaction in their several addresses, in
 "the zeal they had expressed in them for her service, and
 "the common cause of Europe, which could not fail of
 "being a great encouragement to all their allies, and in
 "the notice they had taken of the eminent services of the
 "duke of Marlborough;" she thanked the "commons, in
 "a very particular manner, for the more than usual dis-
 "patch of the bills of supply." (a)

The

(a) The creations and promotions at this time were as follows: Towards the middle of December the queen was pleased to create Henry, earl of Kent, lord-chamberlain of her household, viscount Goderrick in the county of Hereford, earl of Harrold in the county of Bedford, and marquis of Kent. A few days after her majesty was also pleased to create Robert, earl of Lindsey, lord-great-chamberlain of England, marquis of Lindsey in the county of Lincoln; Evelyn, earl of Kingston, marquis of Dorchester in the county of Dorset; Thomas, lord Wharton, viscount Winchendon in the county of Bucks, and earl of Wharton in the county of Westmoreland; John, lord Poulet, of

Hinton St. George in the county of Somerset, earl Poulet; Sidney, lord Godolphin, lord-high-treasurer of England, viscount Rialton, and earl of Godolphin in the county of Cornwall; Hugh, lord Cholmondely, viscount Malpas, and earl of Cholmondely in the county of Chester; Henry, lord Walden, son and heir apparent of Henry, earl of Suffolk, baron of Chesterfield in the county of Essex, and earl of Bindon in the county of Dorset; the lord-keeper, a peer of this kingdom by the name and title of William, lord Cowper, baron of Wingham in the county of Kent; and Sir Thomas Pelham, Bart. likewise a peer by the name and title of lord Pelham, baron of Laughton in the county of Sussex.

1706. The queen closed the year with two triumphal processions. At the request of the city of London, she ordered, ~~the~~ that the standards and colours taken at the battle of Ramillies, and which were lately brought from the Netherlands, should be put up in Guildhall, as trophies of that victory. This was done with great solemnity on the 19th of December. Soon after the queen having, by proclamation, appointed a general thanksgiving for the great successes of her arms, and those of her allies, the last campaign, she went to the cathedral of St. Paul's, attended by both houses of parliament, the great officers of state, the judges, and other public officers. The bishop of Salisbury preached the sermon upon this occasion. The same day both houses adjourned themselves to the 7th of January, and at their meeting again the commons thanked the bishop for his sermon.

Dec. 19. *Thanksgiving observed.*
Dec. 31.

Debate in the house of Lords about the union.

Pr. H. L. II. 166. Hitherto every thing had gone very smoothly in both houses of parliament; but, on the 10th of January, the earl of Nottingham acquainted the house of peers, that he had something of great consequence to lay before them; and therefore desired, that they would name a day to receive it in a full house. The lords having appointed the Tuesday following, and ordered their members in and about London to attend; the earl of Nottingham, in a set-speech, represented to them, "That the union of the two kingdoms of England and Scotland was a matter of the highest importance, and a work of so much difficulty, that all the attempts that had been made towards it in the last century, had proved ineffectual. That, the parliament of Scotland having thought fit to secure the presbyterian church-government in that kingdom, it became the wisdom of the parliament of England to provide betimes against the dangers, with which the church, by law established, was threatened, in case the union was accomplished. And therefore he moved, that an address be presented to the queen, humbly to desire her majesty, that the proceedings, both of the commissioners for the treaty of union, and of the parliament of Scotland, relating to that matter, be laid before them." He was seconded by the earl of Rochester, who declared, "That he was for an union, and had been so for twenty years past; but that he had a few doubts in the matter, and therefore was for entering upon the debate of that important affair as soon as possible." The duke of Buckingham spoke to the same purpose, adding, "That the union of both kingdoms had been upon

" the

“ the anvil since the accession of king James I. to the English throne; and as it could not be expected, that so weighty a matter, which took up so much time and labour before, should now be compleated in a few days, therefore he was for taking it forthwith into consideration.”

1706.

The treasurer Godolphin answered, “ That this affair was not yet ripe for them to debate; and that they need not doubt, but that her majesty would communicate to the parliament of England all the proceedings relating to the union as soon as that of Scotland should have gone through with it.” The lords Wharton, Sommers, and Hallifax spoke on the same side, and urged, “ That it was an honour to this nation, that the treaty of union should first come ratified from the parliament of Scotland; and that then and not before, was the proper time for the lords to take the same into consideration.” The other party finding, that they were too weak to carry a question, the earl of Nottingham’s motion was dropped.

Though the grant of the supplies went on quicker than usual, there was one particular, to which great objections were made. When several accounts and estimates were laid before the commons, in relation to monies, either advanced to the duke of Savoy and king Charles of Spain, or expended in the expedition under the earl Rivers, it was found that these extraordinary supplies amounted to about eight hundred thousand pounds more than had been provided for by parliament. Some complained of this, and said, if a ministry could thus run the nation into a great charge, and expect the parliament must pay the reckoning, this might have very ill consequences. But it was answered, a ministry deserved public thanks, who had followed our advantages with such vigour: If any thing was raised without necessity, or ill applied, under pretence of serving the public, it was very reasonable to enquire into it, and to let it all heavy on those who were in fault: But, if no other exception lay to it, than because the matter could not be foreseen, nor communicated to the parliament before those accidents happened that occasioned the expence, it was a very unjust discouragement, if ministers were to be quarrelled with for their care and zeal: So it was carried by a majority of two hundred and fifty voices against one hundred and five, that the several sums, for the extraordinary services of the year 1706, had been expended for the preservation of the

1706. duke of Savoy, for the interest of king Charles of Spain against the common enemy, and for the safety and honour of the nation. All the other supplies (and among them the equivalent for Scotland) were given and lodged on good funds, so that no session of parliament had ever raised so much, and secured it so well, as this had done.

1706-7. By this time the act of the parliament of Scotland, for ratifying the treaty of union, was sent up to London. Upon which the queen (Jan. 28) came to the house of peers, and made the following speech to both houses :

The
queen's
speech
concern-
ing the
union.
Pr. H. C.
IV. 53.

“ My lords and gentlemen,

“ **H**AVING acquainted you, at the opening of this session, that the treaty for an union between England and Scotland, which had been concluded here by the commissioners appointed for that purpose, in pursuance of the powers given by the parliaments of both kingdoms, was then under consideration of the parliament of Scotland; I can now, with great satisfaction, inform you, that the said treaty has been ratified by act of parliament in Scotland, with some additions and alterations.

“ I have directed the treaty, agreed to by the commissioners of both kingdoms, and also the act of ratification from Scotland, to be laid before you; and I hope it will meet with your concurrence and approbation.

“ Gentlemen of the house of commons,

“ It being agreed by this treaty, that Scotland is to have an equivalent for what that kingdom is obliged to contribute towards paying the debts of England, I must commend to you, that, in case you agree to the treaty, you would take care to provide for the payment of the equivalent to Scotland accordingly.

“ My lords and gentlemen,

“ You have now an opportunity before you of putting the last hand to a happy union of the two kingdoms; which, I hope, will be a lasting blessing to the whole island, a great addition to its wealth and power, and a firm security to the protestant religion.

“ The advantages, which will accrue to us all from an union, are so apparent, that I will add no more, but that I shall look upon it as a particular happiness, if this
“ great

“ great work which has been so often attempted with- 1706-7.
 “ out success, can be brought to perfection in my reign.”

The commons being returned to their house, the lord Coningsby, by the queen's command, presented to the house the articles of union agreed upon by the commissioners, the act of parliament in Scotland for the ratification of them, and a copy of the minute-book of the proceedings of the commissioners, which were ordered to be printed. The articles of union presented to the house of commons. Then a motion being made by the tory party, and the question being put, “ That an address be presented to her majesty, that she would be pleased to give orders, that the minutes of the proceedings of the former commissioners, appointed in the first year of her reign to treat of an union, be laid before the house;” it passed in the negative. It was afterwards resolved, “ That an address be presented to her majesty, returning her the humble thanks of the house for her most gracious speech that day to both houses of parliament, and for communicating to this house the articles of union, and the act of parliament in Scotland for ratification thereof.” Which address being presented by Mr. Chancellor of the Exchequer, the queen answered, “ That she was well pleased, that what she had done was so much to the satisfaction of that house.”

The treaty of union, and the proceedings relating to the A bill for same, having been likewise communicated to the house of security peers, their lordships, upon the archbishop of Canterbury's of the motion, ordered a bill to be brought in for the security of the church. church of England; which being read a second time on the Burnet. 3d of February (the queen and prince being present) a question was put, “ Whether it should be an instruction, by the Pr. H. L. “ leave of the house, to insert in the bill the act made 25 “ Car. II, intituled, An act for the preventing dangers, which “ may happen from popish recusants.” Which was resolved in the negative, by a majority of sixty-three voices against thirty-three. After which their lordships went thro' the bill, by which all acts, passed in favour of the church, were declared to be in full force for ever; and this was made a fundamental and essential part of the union. Some exceptions were taken to the words of the bill, as not so strong as the act passed in Scotland seemed to be, since the government of the church was not declared to be unalterable; but they were judged more proper, since, where a supreme legislature is once acknowledged, nothing

1706-7. can be unalterable. This bill had a quick passage through both houses, and received the royal assent (1)

Debate in the house of commons about the union. Pt. H. C. On the 4th of February, the commons, in a committee of the whole house, considered of the articles of union, and act of ratification of the parliament of Scotland; and, Mr. Compton being chosen chairman, Mr. Charles Caesar opened the debate, and raised some objections against the union. He was seconded by Sir John Packington, who made a speech, importing, "That the business of the union, that was now before them, being of the highest importance, required therefore the most deliberate consideration. That, with relation thereto, people without doors had been, for a long time, tongue-tied by a special order of council; which not reaching them within these walls, he would very freely impart his thoughts about it. That, for his own part, he was absolutely against this incorporating union, which, he said, was like marrying a woman against her consent; an union, that was carried on by corruption and bribery within doors, by force and violence without." Many members taking offence at this bold expression, which highly reflected both on her majesty's ministers, and the Scots commissioners and parliament, Sir John Packington said, "He was told, that in Scotland they said, the union was carried on by bribery and force:" Adding,

(1) Dr. Calamy has the following observation on this act: The thus confirming the act of uniformity, and the ecclesiastical constitution here in England, in all particulars, upon the present foot, for perpetuity, was reckoned by the dissenters to make their way the clearer, since all hopes of a further reformation of the constitution (of which there is so much need) were hereby taken away. The old puritans many of them fell in with the established church, in hope of that way contributing to a farther reformation: And they, that adhere to their principles, have, since the reformation, been often pressed to imitate their example, and fall in with the established church, with that view; and some wor-

thy persons actually have done it: But the government by this settlement of all things in the church as they were to perpetuity, and embodying this settlement with the union, and making it a fundamental part of it, has quite silenced that plea, and made it as senseless to urge it, as it would be weak to regard it. So that henceforward all, that are convinced, that a farther reformation is needful, and that it is their duty in their places to pursue it, are bound in conscience to keep at a distance from that church, which has (as much as in it lies) barred all avenues of farther light, and determined by a law, that it will be, as it is, for ever.

Adding, "That the promoters thereof, in thus basely giving up their independent constitution, had actually betrayed the trust reposed in them; and therefore he would leave it to the judgment of the house to consider, whether, or no, men of such principles were fit to be admitted to sit amongst them? That, among the many inconveniences and irreconcilable contradictions this union was liable to, he would only take notice of this material one, viz. that her majesty, by the coronation oath, was obliged to maintain the church of England, as by law established; and bound likewise by the same oath, to defend the presbyterian kirk of Scotland in one and the same kingdom. Now, said he, after this union is in force, who shall administer this oath to her majesty? It is not the business of the Scots, who are incapable of it, and no well-wishers to the church of England. It is then only the part of the bishops to do it. And can it be supposed those reverend persons will, or can, act a thing so contrary to their own order and institution, as thus to promote the establishment of the presbyterian church-government in the united kingdom?" He urged likewise, "That, the church of England being established jure divino, and the Scots pretending, that their kirk was also jure divino, he could not tell how two nations, that clashed in so essential a point, could unite: And therefore he thought it proper to consult the convocation about this critical point." Colonel Henry Mordaunt, in opposition to Sir John Packington, said, "That he knew of no other jure divino but God Almighty's permission: In which sense it might be said, that the church of England, and the kirk of Scotland, were both jure divino; because God Almighty had permitted, that the first should prevail in England, the other in Scotland: And that the member, who spoke last, might, if he thought fit, consult the convocation for his own particular instruction; but that it would be derogatory to the rights of the commons of England to advise, on this occasion, with an inferior assembly, who have no share in the legislature." Little was said in answer to this speech, only some members moved, "That the first article of the treaty, which implies a pre-emptory agreement to an incorporating union, be postponed; and that the house should proceed to the consideration of the terms of that intended union, contained in the other articles." This motion being rejected by a great majority, several members of the high-church

1706-7. party went out of the house; whereupon the first, second, third, and fourth articles of the treaty were read and approved without opposition; and, on the 8th of February, the commons, in a committee of the whole house, went through and approved the remaining articles. The only objection raised by the tory-party on this last occasion was, that the commons went post-haste in a business of the highest importance: to which it was answered, "That deliberation always supposeth doubts and difficulties; but, no material objections being offered against any of the articles, there was no room for delays (1)." However, as the debates about the union lasted but a few days (for they began the 4th of February, and the whole treaty was approved the 11th) it was thought the commons did not interpose delay and consideration enough, suitable to the importance of so great a transaction.

Debates
in the
house of
lords about
the
union.
Pr. H. L.
II. 168.

The debates were longer and more solemn in the house of lords. On the 15th of February (the queen being present) the lords having resolved themselves into a committee of the whole house, and the bishop of Sarum being called upon by the earl of Sunderland to take the chair, the debate on the first article was opened by the earl of Rochester, who acquainted the house, that he had many things to object to several of the articles, and said, "It was all one to him, whether their lordships would please to receive them now, or when those articles came more properly under their consideration." The earl of Anglesey moved, "That the first article might be postponed, it being impossible for him to give his vote to it, before he knew, and was too roughly satisfied, wherein this union was to consist." Several others were of that opinion, among whom the bishop of Bath and Wells spoke much to the same effect. The earl of Nottingham excepted against the name of Great-Britain, alledging, that it was such an innovation in the monarchy, as totally subverted all the laws of England; and therefore moved, That the judges opinions might be asked about it; and he was seconded by several other members. Hereupon the judges being severally asked their opinions in that respect, unanimously declared, "They could not conceive

(1) Some members of that party still crying out, Post-haste, post-haste, Sir Thomas Littleton pursued the simile, and said, 'They did not ride post, but a good easy trot; and, for his own part, as long as the weather was fair, the roads good, and their horses in heart, he was of opinion, they ought to jog on, and not take up, till they got home.'

“ceive that it any ways altered or impaired the constitution of this realm, whose laws, in their opinion, must remain intirely the same, as well after, as before the union, except such as were altogether inconsistent with, and directly contrary thereto.” The lord Haversham, who, of late years, had made himself famous by his set speeches on several occasions, could not be silent on this, and therefore spoke as follows:

“My lords,

“**WHAT** my noble lord (Rochester) has mentioned to your lordships, occasions my standing up. I find myself under the same difficulties. I have several things to say to this matter of the union to your lordships, and it is very indifferent to me, when I offer them. I have a right of speaking my thoughts, and entering my protest too, to any thing I dislike; and I shall certainly find some time to do so, before this matter can pass into a law. I am in your lordships judgment, whether you will allow me to speak, what I have to say, now.”

The lord Haversham's speech against the union.

“My lords, with what disposition I come hither, I hope may be evidenced by the motion I made your lordships last year, for repealing certain clauses, that were grievous to Scotland. I would do any thing, that were for the benefit and good of both nations.

“These articles come to your lordships with the greatest countenance of authority, that, I think, it is possible any thing can come. Your commissioners have agreed to them; the Scots parliament has, with some few amendments, ratified them, and the queen herself from the throne approves of them. And yet, you must give me leave to say, that authority, though it be the strongest motive to incline the will, is the weakest argument in all the world to convince the understanding. It is the argument the church of Rome makes use of for their superstitious worship, where there are ten Ave-maria's to one Pater-noster; just as unreasonable, as if ten times the application and address were made to a she-favourite, as to the person of the sovereign, which is a kind of state-idolatry.

“I would not, my lords, be misunderstood, as if I were against an union. A federal union, an union of interest, an union in succession, is what I shall be always for. Nay, were it, whether a people inhabiting the same island, speaking the same language, and having the same religion,

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“ religion, should be all under one and the same form of
 “ policy and government, I cannot see how any man could
 “ be against it. But this is a matter of a quite different
 “ nature: It is, whether two nations independent in their
 “ sovereignties, that have their distinct laws and interests,
 “ and what I cannot forget, their different forms of wor-
 “ ship, church-government, and order, shall be united into
 “ one kingdom. An union made up, in my opinion, of
 “ so many mismatched pieces, of such jarring, incongruous
 “ ingredients, that, should it ever take effect, I fear it
 “ would carry the necessary consequence of a standing power
 “ and force, to keep us from falling asunder, and breaking
 “ in pieces every moment. For, as my lord Bacon well ob-
 “ serves (whom I take to be a very great man, tho’ some-
 “ times the courtier got the better of the philosopher) an
 “ unity, says he, that is pieced up by a direct admission of
 “ contraries in the fundamental points of it, is like the toes
 “ of Nebuchadnezzar’s image, which were made of iron
 “ and clay; they may cleave together, but can never incor-
 “ porate.

“ Another reason, why I am against an incorporating
 “ union, is, for the sake of the good old English constitu-
 “ tion, justly allowed to be the most equal and best-poised
 “ government in all the world, the peculiar excellency of
 “ which lies in that well-proportioned distribution of powers,
 “ whereby the greatness of the monarch, and the safety of
 “ the people, are at once provided for; and it is a maxim
 “ in all policy, that the surest way to preserve any govern-
 “ ment is by a strict adherence to its principles. So that,
 “ whilst this balance of power is kept equal, the constitu-
 “ tion is safe; but who can answer what alteration so great
 “ a weight, as sixty-one Scots members, and those too re-
 “ turned by a Scots privy-council, when thrown into the
 “ balance, may make?

“ Besides, my lords, I must own I am apprehensive of
 “ the precedent, and know not how far it may be carried
 “ hereafter, or what alteration future parliaments may think
 “ fit to make. It is evident by the two-and-twentieth ar-
 “ ticle, that above an hundred Scots peers, and as many
 “ commoners, are excluded from sitting and voting in the
 “ British parliament, who perhaps as little thought of be-
 “ ing so a year or two ago, as any of your lordships do
 “ now; for they had as much right by inheritance of sit-
 “ ting there, as any one lord in this house has of sitting
 “ here; and that right too as well and as strongly fenced
 “ and

" and secured to them by the fundamental laws of their
 " kingdom, by claim of right, and act of parliament, 1706-7.
 " which made it treason to make any alteration in the con-
 " stitution of that kingdom; and yet have not they lost
 " their privilege? And what one security has any peer of
 " England, by the laws of this land, to his right and pri-
 " vilege of peerage, that those lords had not? My lords, the
 " bishops have been once voted out of this house by the
 " temporal lords already; and who knows what question
 " may come hereafter? I will venture my life in defence of
 " the church of England: and yet at the same time own
 " myself an occasional conformist. But if, my lords, the
 " bishops will weaken their own cause, so far as to give
 " up the two great points of episcopal ordination and con-
 " firmation; if they will approve and ratify the act for se-
 " curing the presbyterian church-government in Scotland, as
 " the true protestant religion and purity of worship; they give
 " up that, which has been contended for between them and the
 " presbyterians this thirty years, and, which I will under-
 " take to prove to my lords the bishops, has been defended
 " by the greatest and learnedest men in the church of Eng-
 " land. I hope, when it is proper, my lords will please
 " to give some light to one, who desires instruction, that I
 " may not ignorantly do any thing to their prejudice in this
 " matter.

" There is another reason, why I am against this union,
 " because I cannot think it an intire union. The exempt-
 " ing articles, I mean the twentieth article, whereby heri-
 " table offices and superiorities are reserved; and also the
 " one-and-twentieth; both which Oliver, by an act of
 " state, was so wise as to abolish; especially their act
 " for securing their presbyterian church-government and
 " general assemblies; seem to me like those little clouds,
 " in a warm calm summer's day, that are generally the
 " seeds and attractives of approaching tempest and thunder.
 " I the rather take notice of these, because, though the ar-
 " ticles of the union are ratified by the Scots parliament,
 " yet the bulk and body of that nation seem to be against
 " them. Have not the murmurs of the people there been
 " so loud, as to fill the whole nation? And so bold too, as
 " to reach even to the doors of the parliament? Has not
 " the parliament itself thought fit to suspend their beloved
 " clause in their act of security, for arming their people,
 " during the session? Nay, has not the government, by ad-
 " vice of parliament, set out a proclamation, which I have
 " here

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“ here in my own hand, pardoning all slaughter, blood-
 “ shed, maiming, &c. that is committed upon any, who
 “ are found in any tumults there, and discharging all pro-
 “ secution for the future? I do not mention this to find
 “ fault with any thing, that is done in Scotland, but only
 “ to shew to your lordships, that when such an unusual
 “ proclamation as this is set out by advice of parliament,
 “ and cannot stay the forms of a law; when we know, that,
 “ upon extraordinary occasions, a bill may be read three
 “ times in one day; sure, my lords, it shews a very great
 “ ferment, that requires so very speedy an application. After
 “ all, has not what we desire, I mean their being upon the
 “ same foot of succession with us, been offered without this
 “ union? In short, my lords, I think an incorporating union
 “ one of the most dangerous experiments to both nations;
 “ in which, if we happen to be mistaken, however we
 “ may think of curing things hereafter, the error is irre-
 “ trievable.

“ My lords, this is the last time, that I believe I shall
 “ ever trouble your lordships in an English parliament:
 “ Give me leave therefore to say but one word.

“ In king Charles the First's time the cavaliers were the
 “ persons, that ventured their lives, and lost their estates to
 “ save him. And, in king Charles the Second's time, they
 “ were forgot, and left starving. At the restoration the
 “ presbyterians were as zealous for that as any men what-
 “ ever, and none more persecuted all his reign. Towards
 “ the latter end of that reign, the bishops threw out the
 “ bill of exclusion, and king James put them into the Tow-
 “ er. At the Revolution, the Londonderry-men, &c. were
 “ the persons, that made the first and noblest stop to king
 “ James in Ireland; and I myself have fed some of them
 “ at my own table, when they were starving with the greatest
 “ commendations and promises in their pockets, which I
 “ have seen under king William's own hand. In the last
 “ reign every body knows, who they were, that made their
 “ most constant court at St. James's; and we see in what
 “ favour they are in at this present.

“ Now there is a great deal of zeal for this union. I
 “ wish, from my zeal, that the advantages may attend it
 “ of tranquillity and security, power, peace, and plenty, as
 “ is intended by it. But yet it is possible men may be
 “ mistaken. I will not say they will ever repent of it;
 “ but I will take leave to say what I have formerly said in
 “ this place, that what has been, may be.”

It

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It may be here observed, that to all the objections, that were offered against the union, this general answer was made, that so great a thing, as the uniting the whole island into one government, could not be compassed but with some inconveniences: But, if the advantage of safety and union was greater than those inconveniences, then a lesser evil must be submitted to.

The debate being over, the question was put, Whether the consideration of the first article of the treaty of union should be postponed till after the other articles had been examined? But it was carried in the negative by a majority of seventy-two voices against twenty-two; and so the first six articles were read and approved, and the consideration of the rest adjourned to the 19th of February, when the lord North and Grey observed, with relation to the ninth article, “ the small and unequal proportion, which Scotland was to pay to the land-tax; urging, that Wales, as poor a country every whit as that, and of a much less extent, paid to the full as much again, and yet sent not much more than half the number of representatives in parliament, which were granted to Scotland; and, for that reason, his lordship said he could not agree to this article.” He was answered by the lord Hallifax, “ That the number of representatives was no rule to go by, since there was the county of Cornwall in England, that paid not near so much towards the land-tax as that of Gloucester, and yet sent almost five times as many members to parliament as the other did. That it was very true, the quota of Scotland was very small and unequal, in comparison to what was paid in England; but that the English commissioners could not induce the Scots ones to agree to any more, upon account of several impossibilities on their side. That we could not expect to reap the like advantages of every article of the treaty; and that, if they had the better of us in some few, we were infinitely recompensed by the many advantages, which did accrue to us from the whole.” Here again the house divided on this article, there being seventy for it, and twenty-three against it; and so, having run over the four following articles, the consideration of the rest was further adjourned to the 21st of February, when (the queen being present) the debate chiefly ran upon the fifteenth article. The earl of Nottingham observed, that it consisted of two parts, a certain grant of money, and the application thereof; in reference to which he said, “ That it was highly unreasonable, “ that

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“ that the Scots, who were by the treaty let into all the
 “ branches of our trade, and paid so little towards the sup-
 “ port of the government, and of a most expensive and
 “ bloody war, should moreover have an equivalent of three
 “ hundred ninety-eight thousand and eighty-five pounds
 “ given them for coming into this treaty. His lordship in-
 “ sisted much upon that argument, and took notice, as to
 “ the disposal of this equivalent, that part of it, which was
 “ to be given to the Darien company, was so ordered, as
 “ that it might be swallowed up by a few persons, without
 “ any particular regard to the indemnifying every private
 “ sufferer in that unhappy enterprize.” The lord Hallifax
 answered, “ That this equivalent could not be looked upon
 “ as a gift, but as an actual purchase of the Scots revenue
 “ and customs, which, by this union, were to be applied to
 “ the payment of the debts of England; and that they
 “ were no more gainers by it, than the English were by the
 “ sale of annuities at fifteen or sixteen years purchase.
 “ That, as to the disposal of the money, it being their own,
 “ it was but reasonable they should have the liberty of ap-
 “ plying the same, as they thought most convenient, the
 “ English commissioners being no ways concerned therein,
 “ whose care, nevertheless, and great prudence had been
 “ such, that they made provision it should not be disposed
 “ of but by certain commissioners, who should be account-
 “ able for the same to the parliament of Great-Britain.”
 Then their lordships proceeded as far as the nineteenth arti-
 cle, and so adjourned to the 24th of February, when (the
 queen being likewise present) the lord Thanet, on the twen-
 tieth article, acquainted their lordships, “ That, himself
 “ having an heritable office here in England, by being per-
 “ petual sheriff of the county of Westmoreland, he should
 “ be glad, with their lordships leave, to have the opinion
 “ of the judges about the preservation of that his right,
 “ there being no provision made in this article for heritable
 “ offices in England.” The lord chamberlain seconded him
 in that motion, saying, “ He had the honour likewise of
 “ having such an heritable office, about the preservation
 “ whereof he had the very same doubts and scruples with
 “ the noble peer, who spoke last.” Whereupon it was a-
 greed, that the judges should deliver their opinion about it,
 which they did, and their answers were much the same with
 what they had declared to the house to be their opinion with
 respect to the first article.

The

The earl of Rochester, after reading the twenty-second article, declared, " That he looked upon it as incongruous, contradictory to, and inconsistent with itself. That there were sixteen peers to be returned to the house of lords, in the parliament of Great-Britain, who were peers and no peers. That, being all peers by right of inheritance, they were, nevertheless, made here elective, which he took to be divesting them of their peerage; because, not being sure of being always elected to every parliament of Great-Britain, they consequently must lose, when left out, the benefit of sitting in parliament, which was ever deemed an inseparable right of the peerage. That the rest of the nobility of Scotland, to the number of above a hundred, were thereby manifestly injured; and that, for his part, he wondered very much, how the Scots came to accept of such unreasonable conditions; or how their lordships could entertain the thoughts of permitting such peers by election to sit among them." The lords Nottingham, North and Grey, and Guernsey, very much enforced this topic, adding, That, as one might very well suppose, that those Scots peers would be such as were addicted to the kirk, it might prove of dangerous consequence to the church of England." The earl of Wharton replied, " That, though they were all never so much of the kirk party, yet there was no reason to fear, but they would also be very well disposed for the church of England, and stand up in its defence on all occasions, since there were even some sitting amongst their lordships, who would venture their lives for the church of England, and yet openly declared themselves to be at the same time occasional conformists." The lord Haversham, rightly judging, that he was hinted at by the earl, stood up to inform the house, what he understood by an occasional conformist, in which explanation he appeared somewhat embarrassed; for, after having made a long encomium on the episcopal order, which he took to be the best and most conformable to primitive christianity, he gave no less commendations to all the protestant churches abroad, and to the kirk of Scotland itself in particular, which, he said, was a true protestant church. The bishop of Bath and Wells declared, " That, for his part, he was altogether against this union, though he could wish with all his heart it had been completed an hundred years ago, because all the ferment and discords, which now were likely to ensue upon it, would, by this time, have had their course. That he could no better compare it, than to the mixing together strong
" liquors

1706-7. " liquors of a contrary nature in one and the same vessel,
 " which would go nigh being burst asunder by their furious
 " fermentation: That their bench was always reckoned the
 " dead weight of the house; but that the sixteen Scots peers,
 " being admitted to sit therein, would more effectually be
 " so, especially in any future debates relating to the church,
 " towards which they could no ways be supposed to be well-
 " affected; and therefore he was humbly of opinion, that
 " some provision might be made for debarring them of their
 " votes in any church-matter, that should hereafter come in
 " agitation." To all this, and much more that was al-
 " ledged on account of the danger of the church, when so
 " many votes of persons tied to presbytery were admitted to a
 " share in the legislature, it was answered by the lords Som-
 " mers, Hallifax, and others, that the chief dangers, the church
 " was in, were from France and from popery: So that what-
 " soever secured us from these, delivered us from our justest
 " fears. Scotland lay on the weakest side of England, where
 " it could not be defended, but by an army: The coaleries on
 " the Tine lay exposed for several miles, and could not be
 " preserved, but at a great charge, and with a great force: If
 " a war should fall out between the two nations, and if Scot-
 " land should be conquered, yet, even in that case, it must be
 " united to England, or kept under by an army: The danger
 " of keeping up a standing force, in the hands of any prince,
 " and to be modelled by him (who might engage the Scots to
 " join with that army, and turn upon England) was visible:
 " And any union, after such a conquest, would look like a force,
 " and so could not be lasting; whereas all now was voluntary.
 " As for church-matters, there had been such violence used by
 " all sides in their turns, that none of them could reproach the
 " others much, without having it returned upon them too
 " justly. A softer management would lay those heats, and
 " bring men to a better temper; the Cantons of Switzerland,
 " though very zealous in their different religions, yet were
 " united in one general body: The Diet of Germany was com-
 " posed of men of three different religions: So that several
 " constitutions of churches might be put under one legislature;
 " and, if there was a danger of either side, it was much more
 " likely that five hundred and thirteen would be too hard for
 " forty-five, than that forty-five would master five hundred and
 " thirteen; especially when the crown was on their side: And
 " there were twenty-six bishops in the house of lords, to out-
 " weigh the sixteen votes from Scotland. The debate being
 " over, the twenty-second article was approved by a majority
 " of

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of seventy-one votes against twenty-two; and then the remaining articles were likewise approved. Upon the reading the last, the earl of Abingdon moved, that the judges opinion might be asked, what laws would be repealed by this union, and what would remain in force; but that motion was rejected. Then the earl of Nottingham stood up, and begged their lordships pardon "for having troubled them almost to every article, excusing himself however, by urging, that they were such material objections occurring to him, as in conscience he thought himself obliged to lay before the house. That as Sir John Maynard made this compliment to the late king at the revolution, That, having buried, upon account of his great age, all his cotemporaries in Westminster-Hall, he was afraid, if his majesty had not come in that very juncture of time, he might have likewise outlived the very laws themselves; so, if this union did pass, as he had no reason to doubt but it would most certainly pass, he might, with as much reason, and as justly affirm, he had outlived all the laws, and the very constitution of England." Concluding with a prayer to God, "to avert the dire effects, which might probably insue from such an incorporating union." Three days after, the bishop of Sarum reported to the house of lords the resolutions of their grand committee, approving the treaty of union, which were agreed to by a great majority; but several peers entered their protests, some against all, others, against some of the articles (1).

The

(1) They were as follow :

We dissent to every one of the twenty-five resolutions.

Granville, Haverham, Stawell.

I dissent to the four last resolutions, having not been present at the passing the others.

Geo. Bath and Wells.

I dissent to every one of the twenty-five resolutions, except the second.

Beaufort.

I dissent to the first, fourth, fifth, sixth, ninth, fifteenth, eighteenth, nineteenth, twenty-first, twenty-second, and twenty-fifth resolutions.

Abingdon.

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A 2

Dissentient To the ninth resolution.

Because we humbly conceive the sum of forty-eight thousand pounds, to be charged on the kingdom of Scotland, as the quota of Scotland, for a land-tax, is not proportionable to the four shillings aid granted by the parliament of England; but if, by reason of the present circumstances of the kingdom, it might have been thought it was not to bear a greater proportion at this time, yet we cannot but think it unequal to this kingdom, that it should be agreed, that whenever the four shillings

aid

1706-7. The several articles of the union being thus agreed to by both houses, a bill was ordered to be brought in to enact it, which was prepared by Sir Simon Harcourt, the solicitor-general, with so particular a contrivance, as to cut off all debates. The preamble was a recital of the articles, as they were passed in Scotland, together with the acts made in both parliaments for the security of their several churches; and in conclusion there came one enacting clause, ratifying all. This put those upon great difficulties, who had resolved to object to several articles, and to insist on demanding some alterations in them: They could not object to the recital, it being merely matter of fact; and they had not strength enough to oppose the general enacting clause; nor was it easy to come at particulars, and to offer proviso's relating to them. The matter was carried on with such zeal, that it passed the house of commons, before those who intended

A bill for enacting the union. Burnet.

Feb. 4.

aid shall be enacted by the parliament of Great-Britain, to be raised on the land in England, that the forty-eight thousand pounds, now raised on Scotland, shall never be increased in time to come, when the trade of that kingdom should be extremely improved, and consequently the value of their land proportionably raised, which, in all probability, it must do, when this union shall have taken effect.

North and Grey, Rochester, Howard, Leigh, Guilford.

Dissentient To the fifteenth resolution.

Because we humbly conceive, nothing could have been more equal on this head of the treaty, than that neither of the kingdoms should have been burdened with the debts of the other, contracted before the union; and if that proposal, which we had once made in the minutes of the treaty, had taken place, there would have been no occasion to have employed the revenues of the kingdom of Scot-

land towards the payment of the debts of England; those revenues might have been strictly appropriated to the debts of that kingdom, and to any other uses within themselves, as should have been judged requisite; and there would have been no need of an equivalent of very near four hundred thousand pounds to be raised on England, within this year, for the purchase of those revenues in Scotland, which, however it may prove to be but a reasonable bargain, upon a strict calculation, there does not seem to have been a necessity just now to have raised so great a sum, when this kingdom is already burdened with so vast ones for necessary charges of the war.

Rochester, North and Grey, Guilford, Leigh.

Dissentient To the twenty-second resolution.

Because we humbly conceive, in the first place, that the number of sixteen peers of Scotland is too great a proportion to be added

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tended to oppose it had recovered themselves out of the surprise, under which the form, it was drawn in, had put them. The bill was carried there by a majority of two hundred and seventy-four voices against a hundred and sixty, who were for rejecting it (1). The bill was, on the first of March, carried by Mr. Spencer Compton to the house of lords, who gave it a quick dispatch; but, upon the third reading, the lord North and Grey offered a rider to be added to it, importing, "That nothing, in this ratification contained, should be construed to extend to an approbation or acknowledgment of the truth of the presbyterian way of worship, or allowing the religion of the church of Scotland

added to the peers of England, who very rarely consist of more than an hundred attending lords in any one session of parliament; and, for that reason, we humbly apprehend, such a number as sixteen may have a very great sway in the resolutions of this house, of which the consequence cannot now be foreseen.

In the second place, we conceive the lords of Scotland, who by virtue of this treaty, are to sit in this house, being not qualified as the peers of England are, must suffer a diminution of their dignity to sit here on so different foundations, their right of sitting here depending entirely on an election, and that from time to time during the continuance of one parliament only; and, at the same time, we are humbly of opinion, that the peers of England, who sit here by creation from the crown, and have a right of so doing in themselves or their heirs by that creation for ever, may find it an alteration in their constitution, to have lords added to their number, to sit and vote in all

matters brought before a parliament, who have not the same (right) of their seats in parliaments, as the peers of England have.

Buckingham, North and Grey, Leigh, Rochester, Guilford.

We dissent to the resolution of passing the last article, because, there being no enumeration of what laws are to be repealed, it is conceived too great a latitude of construction thereupon is left to the judges.

Abingdon, Leigh, North and Grey, Guilford.

(1) On the 22d of February, upon M^r. Bromley's motion, the commons ordered, 'That it be an instruction to the committee of the whole house, to whom the bill for an union between the two kingdoms of England and Scotland was committed, that they might receive a clause, that the two universities of this kingdom might continue for ever, as they now are by law established.' But a motion being made, and the question put, 'That it be another instruction to the

1706-7. "Scotland to be what it was stiled, the true protestant religion." After a debate, the question was put, "Whether this rider should be read a second time, and it was carried in the negative by fifty-five voices against twenty-nine; upon which several lords entered their dissent (2). Then the question being put, Whether this bill should pass? It was resolved in the affirmative by a great majority; but several peers entered their protests against it (3)."

When

• committee, that they might
• receive a clause to make
• the like provision, that the
• subjects of this kingdom
• should be for ever free of any
• oath, test, or subscription
• within this kingdom, contrary
• to, or inconsistent with, the
• true protestant religion, go-
• vernment, worship, and dis-
• cipline of the church of Eng-
• land, as now by law esta-
• blished, as was already pro-
• vided for the subjects of Scot-
• land, with respect to their
• presbyterian government; it
passed in the negative. The
same day Sir Roger Mostyn
moved, that a clause should be
inserted in the said bill, in fa-
vour of the convocation of the
clergy, as part of the constitu-
tion; which assertion and mo-
tion were both exploded. But,
the parliament of Scotland hav-
ing inserted in the articles of
union several clauses for draw-
backs and allowances upon di-
vers commodities of the growth
of that kingdom, which might
put the English traders upon an
unequal foot with the Scots, the
commons of England took that
matter into their consideration;
and, in a committee of the
whole house, came to several
resolutions for allowing draw-
backs on English salt, white
herrings, beef, pork, oatmeal,
and grain, called Bear, alias
Big, exported from England

and Wales: Which resolutions
were, on the 27th of February,
reported to the house, agreed
to, and a bill ordered to be
brought in, which received the
royal assent.

(2) Dissentient

Beaufort, Buckingham, North
and Grey, Anglesea, Win-
chelsea, Northampton, A-
bingdon, Nottingham,
Scarfsdale, Geo. Bath and
Wells, Thanet, Granville,
Stawell, Guernsey, Wey-
mouth, Guilford, Leigh.

(3) Dissentient

Nottingham, Anglesea, Tha-
net, Winchelsea, North-
ampton, Scarfsdale, Wey-
mouth, Guernsey.

Because the constitution of
this kingdom has been so very
excellent, and therefore justly
applauded by all our neigh-
bours, for so many ages, that
we cannot conceive it prudent
now to change it, and to ven-
ture at all those alterations made
by this bill, some of them espe-
cially being of such a nature,
that, as the inconvenience and
danger of them (in our humble
opinion) is already but too ob-
vious, we think it more proper
and decent to avoid entering
further into the particular ap-
prehension we have from the
passing of this law.

Beauford, Buckingham,
Stawell, Guilford,
Granville, Leigh.

When the queen came to the house of lords to pass the union-bill, she made the following speech to both houses: 1706-7.

“ My lords and gentlemen.

“ I T is with the greatest satisfaction, that I have given my assent to a bill for uniting England and Scotland into one kingdom. The queen's speech on passing the union bill.

“ I consider this union as a matter of the greatest importance to the wealth, strength, and safety of the whole island; and, at the same time, as a work of so much difficulty and nicety in its own nature, that till now all attempts, which have been made towards it, in the course of above a hundred years, have proved ineffectual; and therefore I make no doubt, but it will be remembered and spoke of hereafter, to the honour of those, who have been instrumental in bringing it to such a happy conclusion.

“ I desire and expect from all my subjects of both nations, that from henceforth they act with all possible respect and kindness to one another, that so it may appear to all the world, they have hearts disposed to become one people.

“ This will be a great pleasure to me, and will make us all quickly sensible of the good effects of this union.

“ And I cannot but look upon it as a peculiar happiness, that in my reign so full provision is made for the peace and quiet of my people, and for the security of our religion, by so firm an establishment of the protestant succession throughout Great-Britain.

“ Gentlemen of the house of commons,

“ I take this occasion to remind you of making effectual provision for the payment of the equivalent to Scotland, within the time appointed by the act; and I am persuaded, you will shew as much readiness in this particular, as you have done in all the parts of this great work.

“ My lords and gentlemen,

“ The season of the year being now pretty far advanced, I hope you will continue the same zeal, which has appeared throughout this session, in dispatching what yet remains unfinished of the public business before you.”

1706-7.

Ill use of
the 4th
and 6th
articles of
the union
prevented.

Thus this great design, so long wished and laboured for in vain, was begun and happily ended within the compass of nine months. The union was to commence on the first of May, and, till that time, the two kingdoms were still distinct, and their two parliaments continued to sit.

The act of union was no sooner passed, but an ill use was intended to be made of it. The customs of Scotland were then in a farm, and the farmers were the creatures of the ministry, some of whom, as was believed, were sharers with them: it was visible, that, since there was to be a free trade opened between Scotland and England, after the first of May, and since the duties in Scotland, laid on trade, were much lower than in England, that there would be a great importation into Scotland, on the prospect of the advantage that might be made by sending it into England. Upon such an emergency, it was reasonable to break the farm, as had been ordinarily done upon less reason, and to take the customs into a new management, that so the gain, to be made in the interval, might go to the public, and not be left in private hands: but the lease was continued in favour of the farmers. They were men of no interest of their own, so it was not doubted, but that there was a secret practice in the case. Upon the view of the gain to be made by such an importation, it was understood, that orders were sent to Holland, and other places, to buy up wine, brandy, and other merchandize. And another notorious fraud was designed by some in England; who, because of the great draw-back that was allowed for tobacco and other plantation commodities, when exported, were sending great quantities to Scotland, on design to bring them back after the first of May, that so they might sell them free of that duty. A bill was therefore offered to the commons, for preventing these fraudulent practices. When this bill was read the third time, Mr. secretary Harley proposed the adding another clause, namely, that all goods that were carried into Scotland after the first of February (unless it were by the natural-born subjects of that kingdom inhabiting in it) in case they were imported into England after the first of May, should be liable to the English duties; and of this, the proof was to lie on the importer: this angered all the Scots, who raised a great clamour upon it, and said, the union was broke by it; and that such a proceeding would have very ill effects in Scotland. But the house of commons were so alarmed with the news of a vast importation, which was aggravated far beyond the truth, and by which they con-

cluded,

1707.

cluded, that the trade of England would greatly suffer, at least for a year or two, that they passed the bill and sent it to the lords, where it was rejected; for it appeared plainly to them, that this was an infraction of some of the articles of the treaty. It was suggested, that a recess for some days was necessary, that so the commons might have an opportunity to prepare a bill, prohibiting all goods from being brought to England, that had been sent out, only in order that the merchants might have the draw-back allowed. Accordingly, the queen came to the house of peers on the 8th of April, and prorogued the parliament to the 14th of that month.

The parliament being met again on that day, the queen came to the house of lords, and made a short speech to both houses, importing, "That she was willing to give them an opportunity of coming together again, to consider, if any thing could properly be done to prevent the inconveniences that might happen to trade, by too great an interval between the rising of the parliament and the first of May; and that she need not add, that whatever was to be done of that kind, would require to be dispatched in a little time." The commons, who were more inflamed than before; being returned to their house, received and read a petition of the merchants concerned in the importation of wines and brandy from Spain, Portugal, and Italy, and of other goods from Holland, &c. complaining, "That great quantities of French wines, brandies, silks, prunes, rosin, &c. of the growth and product of France; whalebone, linen, drugs, coffee, spices, &c. from Holland and from France; were directly brought, and more intended to be imported into the kingdom of Scotland, in order to be brought thence and imported into England, after the first of May, to avoid the English duties, to the great detriment and loss of some, and the utter ruin of others, who had imported, and were importing into England the like commodities from Spain, Portugal, Italy, and Holland, paying the high duties upon them; which commodities had been chiefly purchased abroad with the woollen manufactures, corn, and other products of England; and praying, that the house would prevent the importation of these goods, which would be a great damage, not only to the petitioners, but to her majesty's customs; or otherwise so to provide for the petitioners relief, as the house should think fit." The next day the commons, in a committee of the whole house, resolved, first, "That

Petition of the merchants against importing goods into Scotland: Pr. H. C. IV. 68.

Resolutions

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“ the importation of goods and merchandises of the growth
 “ and produce of France, and other foreign parts, into
 “ Scotland, in order to be brought from thence into Eng-
 “ land, after the first of May, and with intention to avoid
 “ the payment of the English duties, would be to the da-
 “ mage and ruin of fair traders, to the prejudice of the
 “ manufactures of England, a great loss to her majesty’s
 “ revenue of the customs, and a very great detriment to
 “ the public. Secondly, that the exporting of goods and
 “ merchandises from England into Scotland, that are in-
 “ titled to a draw-back, with intention to bring the same
 “ back again into England after the first of May, was a
 “ most notorious fraud, to the damage and ruin of fair
 “ traders, to the great loss of her majesty’s revenues of the
 “ customs, and a very great detriment to the public.”
 These resolutions being immediately reported and agreed
 to, a bill was ordered to be brought in upon the same;
 which, being passed, was sent to the lords for their concur-
 rence. But it being apprehended, that this law would give
 offence to the Scots; and the most eminent lawyers, who
 were consulted about it, not agreeing in their opinions, the
 court thought fit to let it fall; the rather, because the first
 of May was near at hand, and that the practices of the
 fraudulent traders had, in great measure, been prevented by
 the terror of the intended law, and the clause offered by
 Mr. Harley. And, therefore, the queen came to the house
 of peers on the 24th of April, and made the following
 speech to both houses :

“ My lords and gentlemen,

The
 queen’s
 speech
 to both
 houses.

April 24.
 Pr. H. C.

IV. 70.

“ I Return you my hearty thanks for the great zeal and
 “ affection which you have shewn for my service and the
 “ public good, in the several affairs which have been before
 “ you, especially in that of the union of Scotland, which,
 “ I doubt not, will prove a lasting blessing to this island.

“ Gentlemen of the house of commons.

“ I am to thank you in particular for the great dispatch
 “ you have made, in providing the largest and most effec-
 “ tual supplies, that have ever been given to the crown for
 “ the current service, in any one session of parliament. I
 “ am very much concerned, that the public occasions re-
 “ quire the raising of such great sums from my people. I
 “ will take care they shall be applied to the uses for which
 “ they are given; and I hope, by God’s blessing, we may
 “ obtain advantages from them, answerable to so great an
 “ expence.

“ My

“ My lords and gentlemen,

“ It is proper for me, before we part, to communicate
“ to you, that I think it expedient that the lords of parlia-
“ ment of England, and commons of the present parlia-
“ ment of England, should be the members of the respective
“ houses of the first parliament of Great-Britain, for and
“ on the part of England: and therefore I intend, within
“ the time limited, to publish a proclamation for that pur-
“ pose, pursuant to the power given me by the acts of par-
“ liaments of both kingdoms, ratifying the treaty of union.
“ And, after we have so fully compleated this great work,
“ I assure myself, that, when you return to your several
“ countries, you will omit no opportunity of making my
“ subjects sensible of the security, and the other great and
“ lasting benefits, they may reasonably expect from this
“ happy union.

“ This will conduce very much to make it prove so, and
“ be a good preparation to the success of our next meeting;
“ when, I hope, we shall all join our sincere and hearty
“ endeavours to promote the welfare and prosperity of
“ Great-Britain.”

After this speech, the lord-keeper prorogued the parlia-
ment to the 30th of April 1707.

Thus this remarkable session came to a happy conclusion,
after having finished the great transaction of the union, on
which it may not be improper to make the following obser-
vations. It is certain, the design on Darien the great charge
it put Scotland to, and the total miscarriage of that project,
made the trading part of that kingdom see the impossibility
of undertaking any great design in trade; and this made
them the more ready to concur in carrying on the union.
The wiser men of that nation had observed long, that Scot-
land lay at the mercy of the ministry, and that every new
set of ministers made use of their power to enrich themselves
and their creatures at the cost of the public; that the judges
being made by them were in such a dependence, that, since
there are no juries allowed in Scotland in civil matters, the
whole property of the kingdom was in their hands, and by
their means in the hands of the ministers. They had also
observed, how ineffectual it had been to complain of them
at court. It put those, who ventured on it, to a vast charge,
to no other purpose but to expose them the more to the fury
of the ministry. The poor noblemen and the poor boroughs
made a great majority in their parliament, and were easily
to be purchased by the court. They saw therefore no hopes

Remarks
on the
union.
Burnet.

of

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of a remedy for such a mischief, but by an incorporating union with England. These thoughts were much quickened, by the prospect of recovering what they had lost in that ill-concerted undertaking of Darien; and this was so universal and so operative, that the design on Darien, which the jacobites had set on foot, and prosecuted with so much fury, and with bad intentions, did now engage many to promote the union, who, without that consideration, would have been at least neutral, if not backward in it. The court was engaged to promote the union, on account of the act of security passed in the year 1704, which was imputed chiefly to the lord-treasurer. Threatenings of impeaching him for advising it had often been let fall; and, upon that, his enemies had set their chief hopes of overthrowing him; for, though no proof could be brought of his counsel in it, yet it was not doubted, but that his advice had determined the queen to pass it. An impeachment was a word of an odious sound, which would engage a party against him, and disorder a session of parliament; and the least ill effect it might have, would be to oblige him to withdraw from business, which was chiefly aimed at. The queen was very sensible, that his managing the great trust he was in, in the manner he did, made all the rest of her government both safe and easy to her; and therefore she spared no pains to bring this about, and it was believed she was at no small cost to compass it; for those of Scotland had learned from England to set a price upon their votes, and expected to be well paid for them. The lord-treasurer likewise exerted himself in this matter with an activity and zeal that seemed not to be in his nature; and indeed, all the application with which the court pursued this affair, was necessary to master the opposition and difficulties which sprang up in the progress of it. That, which compleated all, was the low state to which the affairs of France were reduced. That kingdom could spare neither men nor money to support their party, which otherwise they would undoubtedly have done. They had, in imitation of the Exchequer-notes here in England, given out Mint bills to a great value; some said two hundred millions of livres. These were ordered to be taken by the subjects in all payments, as money to the full value, but were not to be received in payments of the king's taxes. This put them under a great discredit, and the fund created for repaying them, not being thought a good one, they had sunk seventy per cent. This occasioned an inexpressible disorder in all payments, and in the whole commerce of France.

France. All the methods that were proposed for raising their credit, had proved ineffectual; for they remained, after all, at the discount of fifty-eight per cent. A court in this distress, was not in a condition to spare much to support such an inconsiderable interest, as they esteemed their party in Scotland; who therefore had not the assistance which they promised themselves from thence. The conjuncture of these various incidents, which brought this great work to a happy conclusion, was so remarkable, that the laying them all in one view will, it is hoped, not be thought an impertinent digression.

The parliament being at an end, the queen, by virtue of a clause in the act of union, and pursuant to her promise in her speech, revived it by a proclamation of the 29th of April, and by another of June 5, declared her pleasure for holding the first parliament of Great-Britain on the 23d of October. Upon this, many of the Scotch lords came to London, and were very well received. Montrose and Roxburgh were made dukes in Scotland: some of them were made privy-counsellors in England; and a commission for a new council was sent to Scotland: there appeared soon two different parties among the Scots; some of them moved, that there should neither be a distinct government, nor a privy-council continued there, but that all should be brought under one administration, as the several counties in England were; they said, the sooner all were consolidated, in all respects, into one body, the possibility of separating, and disuniting them would be the sooner extinguished; this was pressed with the most earnestness by those who were weary of the present ministry, and longed to see their power at an end: but the ministry, who had a mind to keep up their authority, said, there was a necessity of preserving a shew of greatness, and a form of government in those parts, both for subduing the jacobites, and that the nation might not be disgusted, by two sudden an alteration of outward appearances. The court resolved to maintain the ministry there, till the next session of parliament, in which new measures might be taken. Thus affairs were happily settled at home, and the first of May, when the union took place, being appointed to be observed as a day of public and general thanksgiving for the happy conclusion of the treaty of union, it was celebrated with a decent solemnity. Congratulatory addresses on account of the union were presented to the queen from all parts of the kingdom. But it was observed, that the university of Oxford were silent on this occasion,

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cession, as well as the Scots, which made the addressers of Brackley in Northamptonshire suggest, " That after the
 " little notice that had hitherto been taken of the union by
 " those who enjoyed the greatest share of it, at least an
 " equivalent of the advantage, they had some thoughts of
 " not disturbing her majesty at this time, in her great con-
 " cernments for the liberties of all Europe, had they not
 " been afraid, lest the malice of the world should have un-
 " justly racked them to some of her majesty's mistaken
 " subjects, who, by their silence in not addressing, had
 " sufficiently declared their dislike of what her majesty had
 " owned her greatest pleasure and satisfaction." (a)

About

(a) That the proceedings in the affair of the union might not be interrupted, the following particulars, which happened during this session, were purposely omitted.

The house of commons addressed the queen about resettling the islands of Nevis and St. Christophers, which had suffered much by the French. The French came from Martinico with five men of war and twenty sloops to St. Christophers, and made a descent in March 1706; being repulsed in their attack of the castle, they fell in among the plantations, some of which they burnt, and plundered the inhabitants; but the governor of Barbadoes, upon notice of it, sent down a sloop to the governor of St. Christophers, to acquaint him there was a strong squadron of English men of war coming to his assistance; which news being conveyed to the French, had the intended effect; for they no sooner heard of it, than they quitted the island, taking away with them about three hundred negroes. From thence they went to Nevis, where they landed their

troops, and the inhabitants being over-powered by numbers retired to the mountains; the enemy, marching thither too, attacks them; they beat a parley, and a capitulation was concluded the next day, March 24, by which they were to be prisoners of war, but to remain in the island, and procuring a like number of French prisoners, to be released by way of exchange, either in America or Europe; and, in the mean time, they were to be civilly used, and their houses and sugar-works preserved; but the French broke the capitulation in several respects, treating them most barbarously, and burning their houses and sugar works, and by threats and ill-usage forced many of them to form a second agreement the 6th of April, promising the enemy in six months time to send to Martinico a certain number of negroes, or money in lieu thereof, after which they left the island. The commander and other officers of this squadron gave so little content to the French court by their conduct in this expedition, that they were put under

About this time there were made some changes in several public offices. The earl of Stamford, the lord Herbert of Cherburg, Robert Monkton, and John Pultney, esquires, were made commissioners of trade and plantations, in the room

1707.

Changes
and pro-
motions.

der arrest upon their arrival in France.

The marquis of Caermarthen having offered to go with a small squadron of men of war to Madagascar, to suppress the pirates there, who were become very troublesome and dangerous to the navigation in those parts, the commons appointed a committee to consider that matter; and it was resolved to present an humble address to her majesty, to take into her royal consideration how the said pirates might be suppressed; and another, that she would be pleased to use her endeavours to recover and preserve the ancient possessions, trade, and fishery in Newfoundland.

The French refugees, by private direction of the bishop of Sarum, and some other persons in power, addressed the queen, representing, 'That the protestant churches of France, though ever struggling under oppression, held formerly a considerable rank; and that her majesty's predecessors had always such a tender regard for them, as to protect and support them to the utmost of their power: that the famous edict of Nantes, in favour of the protestants of France, was in great measure, owing to the great interest queen Elizabeth had with king Henry the fourth of France: that king James the first, her majesty's great-grandfather, did often interpose, by his am-

bassadors, in behalf of the French reformed churches. And that king Charles the first, her majesty's grandfather, intervened as mediator in the treaty, which Lewis XIII made with the Rochellers (who held the principal rank among the protestants of France) and afterwards, upon the French king's infraction, of that treaty, began a war with France upon that account.' Moreover, they set forth, 'That they found and accounted themselves so happy in living under her majesty's gentle government, and among a nation where they had been so kindly entertained, when driven from their native country by the violence of persecution, that, if they had nothing but their own private interest in view, they would sit quiet and easy, and be contented to share the felicity of her majesty's natural-born subjects; but that the just concern they ought to have for their brethren, relations, and friends, who still groaned in France under the pressure of persecution, obliged them to lay hold on this occasion, most humbly to beseech her sacred majesty, that, when her thoughts should be employed in settling the great concerns of Europe in a treaty of peace, her majesty would graciously vouchsafe to take into her royal care the interest of the poor distressed churches

1707. room of the lord viscount Weymouth, who had before resigned that post, and of William Blaithwate, John Pollexfen, and Matthew Prior, esquires, who were laid aside, as too strongly attached to the tory-party. At the same time, by

of France, which having been ruined by the superstitious vanity of the enemy, so it would add to the solid glory of her majesty's reign, to be instrumental in restoring the same.' This address having been presented to the queen, on the 7th of April, by some of the most eminent persons among the French refugees, she was pleased to tell them, 'That she always had a great compassion for the unhappy circumstances of the persecuted protestants of France: that she would communicate her thoughts upon this matter to her allies; and she hoped such measures might be taken, as might effectually answer the intent of their petition.'

On the 15th of May, Andrew de Matneoff, ambassador extraordinary from the czar of Muscovy, had a private audience of the queen, in which his excellency delivered to her majesty a long letter from the czar, dated April 27, containing a detail of the services he had done king Augustus from his first election to the crown of Poland; and complaints of the ill treatment of the Russian troops sent to his assistance; of the imprisoning of count Patkul, his minister and general; of king Augustus's non-performance of the treaty made with the czar; and of his concluding a dishonorable peace with the king of Sweden, without his czarish ma-

jesty's privity; pursuant to which he had delivered up count Patkul, on pretence of his being a Swedish deserter, contrary to the laws of nations, and even custom of the Barbarians: desiring, in the conclusion, 'That her Britannic majesty would use her good offices to procure the liberty of the said Patkul, or, at least, that he might be used as his czarish majesty's minister, and not as a subject of the king of Sweden; as also to obtain the enlargement of the other Russian general officers, and other subjects of Muscovy, detained at Stockholm. As for the remaining of the Russian auxiliaries, now upon the Rhine, the czar put them under her Britannic majesty's protection, and desired, that they might enter into her majesty's service, or that of her allies, or, at least, he intreated her majesty's good offices, that they might have leave to return home with safety.' In compliance with the czar's desire, the queen used her good offices in favour of count Patkul, but her intercession proved ineffectual, and that unfortunate gentleman was afterwards barbarously put to death.

The republic of Venice, having at last appointed the chevaliers Erizzo and Pisani their ambassadors extraordinary, to compliment the queen on her accession to the throne, their excellencies

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by the interest of Mr. secretary Harley, Sir Simon Harcourt was constituted attorney-general, in the room of Sir Edward Northey; Sir James Montague succeeded Sir Simon Harcourt in the place of solicitor-general; and the honourable
Spencer

lencies made their public entry into London, on the 19th of May, in a very magnificent manner; and having, for three days, been splendidly entertained at Somerset-house, had their public audience of the queen, on the 22d, at St. James's-house. Three days after they had a private audience of her majesty, and then returned homewards, signior Cornaro, the Venetian ambassador in ordinary, continuing here to take care of the concerns of that republic.

The government thinking fit to check the licentiousness of the press, William Pittis, being convicted of writing a scandalous and seditious libel, intitled, 'The case of the church of England's memorial fairly stated: or, a modest inquiry into the grounds of those pre-judices, that have been entertained against it,' was fined by the court of Queen's-bench one hundred marks, and to stand in the pillory at Charing-cross with a paper on his head, denoting his offence; and also near the Royal-Exchange in Cornhill in like manner. Which sentence was executed accordingly. George Sawbridge, convicted of publishing that libel, was fined two hundred pounds, and committed to the Queen's-bench prison till he paid the same; and also to be brought by the marshal of that prison to all the courts at Westminster (the courts sitting) with a pa-

per on his head, denoting his offence.

On the 30th of April the case of Dr. James Drake, indicted for writing a pamphlet, called 'Mercurius politicus,' was argued at the Queen's-bench bar; but it appearing, that, in the libel set forth in the information, the word *nor* was inserted, and in the libel given in evidence the word *not*; upon arguing of that error, the court inclined for the party accused; whereupon the trial was adjourned, and he was afterwards acquitted. The same day Dr. Joseph Browne was tried at Guild-Hall before the lord-chief-justice Holt for handing to the press a paper of verses, called, 'The country parson's advice to the lord-keeper;' where, in a gross, ironical way, the archbishop of Canterbury, the dukes of Southampton, Richmond, Somerset, Bolton, and Devonshire, the earls of Montague, Pembroke, Essex, and Orford, the lords Sommers, Mohun, Haverham, Wharton, and Hallifax, and the bishop of Sarum, were scurrilously reflected upon. The charge being plainly proved by the printer, and by Mr. Lewis, secretary to Mr. Harley, the jury brought the doctor in guilty; and some time after he received sentence to stand in the pillory, which was executed upon him.

On the 6th of May, being the last day of the term, judge Powel, in the court of Queen's-bench,

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Spencer Compton, who had exerted his zeal and abilities in the treaty of union, was made treasurer and receiver-general to prince George of Denmark, and pay-master to her majesty's pensions, in the room of Mr. Nicholas. In the beginning

bench, pronounced sentence against Mr. William Stephens, rector of Sutton in Surry, for writing a seditious pamphlet, called, 'A letter to the author of the memorial of the church of England:' which contained most scandalous reflections on the duke of Marlborough's conduct last campaign, and against Mr. secretary Harley. The judge told the prisoner, 'That his offence was the greater, in that it was the duty of his calling to teach others the positive precept of the gospel about the reverence we owe to sovereigns, and those who are in authority under them; but, that his crime was still the more heinous in abusing the duke of Marlborough, a peer, who had done such glorious actions for his country, and so well deserved of the common cause:' adding with respect to the secretary, 'That the traducing the queen's ministers was a down-right abuse upon her majesty herself.' Stephens would have spoken something by way of submission, but the judge pronounced the judgment of the court against him; which was, 'That he should be fined an hundred marks, and stand twice in the pillory with a paper fixed to his hat, denoting his offence; the first time at Charing-cross, and the next day before the Royal-Exchange; and that he should find sureties for his

'good behaviour for a twelve-month.' However, it being represented and considered, that the inflicting such an ignominious punishment on a person in holy orders might give offence to the whole clergy; the execution of this sentence was first suspended, and at last the pillory remitted, though with this mortifying circumstance, that Stephens was brought to a public house at Charing-cross, from whence he saw the scaffold, and multitudes of people gathering together to be spectators of his disgrace.

On the 6th of November, Dr. Joseph Browne being convicted of writing and publishing another scandalous and seditious libel, intitled, 'A letter to the right honourable Mr. secretary Harley, occasioned by his late commitment to Newgate: together with his interpretation of that paper, called, 'The country-parson's advice to my lord-keeper;' laid to his charge; reflecting upon the great officers of state, and several of the nobility of this kingdom, was, on the 14th of November, fined for the same by the court of Queen's-bench forty marks, and ordered to stand in the pillory two days after at Charing-cross, and also near the Royal-Exchange in Cornhill, and to give security for his good behaviour for one year.

Edward Ward, being convicted of writing, printing, and publishing

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ning of May, the queen declared the lord Cowper lord chancellor of Great-Britain. In like manner, the lord Godolphin was appointed lord high-treasurer of Great-Britain. Prince George of Denmark took the oath in the court of Chancery, as lord high-admiral of Great-Britain, by a new commission appointed Sir David Mitchell, lord High-Churchill, Mr. Robert Walpole; and Sir Stafford Jerningham, to be council in the affairs of the admiralty. In January, the earl of Manchester received his instructions as ambassador extraordinary to the republic of Venice; in his journey thither, he went to the courts of Vienna and Turin. But the most considerable change had been made in December, by the promotion of the earl of Sunderland to the post of secretary of state, in the room of Sir Charles Hedges: Though it was not till after much solicitation, that the queen could be prevailed with to make this promotion (1).

The

During several scandalous and seditious libels, particularly *Hudibras Redivivus*, Or, *the same Poem on the times*, &c. reflecting upon the king and the government, likewise, on the 14th of November, fined forty marks, and ordered to stand twice in pillory, with a paper on his back denoting his offence, to give security for his good behaviour for one year. Some were of opinion, that these, and other prosecutions of the like kind, were chiefly promoted by Mr. secretary Harley, not that he might thereby appear to be entirely devoted to the king and treasurer, but a deeper design of rendering them obnoxious by those popular severities.

The duchess of Marlborough, in the account of her life, p. 172, observes, That the Whigs, after the services had done, and the assistance the queen had given

them, thought it reasonable to expect, that one of the secretaries at least should be such a man, as they could place a confidence in. They believed they might trust the earl of Sunderland; and, though they did not think him the properest man for the post, yet, being the duke of Marlborough's son-in-law, they chose to recommend him to her majesty, because, as they expressed themselves to the duchess, they imagined it was driving the nail that would go. The duke indeed was not in his inclination for this promotion of the earl; but, how hard pressed both he and the lord-treasurer Godolphin were by the Whigs to have it brought to effect; appears from the following letter of his to the duchess, dated at Grametz in October 1706:

“When I writ my last, I was very full of the spleen, and, I think, with too much reason: My whole time, to the best of my understanding,

B b

had

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The convocation would have opposed the union, but prevented.

• Supposed to be Rochester.

The convocation, as usually, sat this winter with the parliament. Though they had, in their former session, differed

has been employed for the public good, as I do assure you I do in the presence of God, neglecting no opportunity of letting 83 [the queen] see what I take to be her true interest. It is terrible to go through so much uneasiness. I do not say this to flatter any party, for I will never do it, let the consequence be what it will. For, as parties, they are both in the wrong. But it is certain 73 • and his adherents are not to be trusted. So that 83 [the queen] has no choice but that of employing those, who will carry on the war, and support 91 [lord Godolphin.] And, if any other method is taken, I know we shall go into confusion. Now, this being the case, I leave you to judge, whether I am dealt kindly with? I do not say this for any other end but to have your justice and kindness, for in that will consist my future happiness. I am sure I would venture a thousand lives, if I had them, to procure ease and happiness to the queen. And yet no number of men could persuade me to act as a minister in what was not my opinion. So that I shall never fail in speaking my mind very freely, and as my opinion is, that the takers, and all the adherents of 73, are not for carrying on the war, which is for the true interest of the queen and kingdom; you may depend I shall never join with any but such, as I think will serve her and the true interest of our country with all their hearts. And, if the war continues but one year longer with success, I hope it will not be in any body's power to make the queen's business uneasy. And then I should be glad to live as quiet as possible, and not envy the governing men, who would then, I believe, think better of 90 [duke of Marlborough] and 91 [lord Godolphin] than they now do. And I will own frankly to you, that the jealousy some of your friends have, that 90 [the duke of Marlborough] and 91 [lord Godolphin] do not act sincerely, makes me so weary, that, were it not for my gratitude for 83 [the queen] and concern for 91 [lord Godolphin,] I would now retire, and never serve more. For I have had the good luck to deserve better from all Englishmen than to be suspected for not being in the true interest of my country, which I am, and ever will be, without being of a faction. And this principle shall govern me for the little remainder of my life. I must not think of being popular; but I shall have the satisfaction of my going to the grave with the opinion of having acted, as became an honest man. And, if I have your esteem and love, I should think myself entirely happy. Having writ thus far, I have received your two letters of the 20th and 21st, which confirm me in my opinion before.

And,

ferred much about the form of an address to the queen, yet now they agreed pretty unanimously, and both houses presented

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And, since the resolution is taken to vex and ruin 91 [lord Godolphin,] because 83 [the queen] has not complied with what was desired for 117 [lord Sunderland,] I shall from henceforth despise all mankind, and think there is no such thing as virtue. For I know with what zeal 91 [lord Godolphin] has pressed 83 [the queen] in that matter. I do pity him, and shall always love him as long as I live, and never be a friend to any, that can be his enemy.

I have writ my mind very freely to 83 [the queen] on this occasion; so that, whatever misfortunes may happen, I shall have a quiet mind, having done what I thought my duty. And, as for the resolution of making me uneasy, I believe they will not have much pleasure in that, for, as I have not set my heart on having justice done me, I shall not be disappointed, nor will I be ill used by any man.

The duchess of Marlborough likewise wrote the following letter to the queen on this occasion:

By the letter I had from your majesty this morning, and the great weight you put upon the difference betwixt the word notion and nation in my letter, I am only made sensible (as by many other things) that you were in a great disposition to complain

of me, since to this moment I cannot for my life see any essential difference betwixt these two words as to the sense of my letter, the true meaning of which was only to let your majesty know with that faithfulness and concern, which I have ever had for your service, that it was not possible for you to carry on your government much longer with so much partiality to one sort of men, though they lose no opportunity of diserving you, and of shewing the greatest inveteracy against my lord Marlborough and my lord-treasurer, and so much discouragement to others, who, even after great disobligations, have taken several opportunities to shew their firmness to your majesty's interest, and their zeal to support you and your ministers too, only because they had been faithful and useful servants to you and the public.

This was all the sense and meaning of my letter; and, if you can find fault with this, I am so unhappy, as that you must always find fault with me; for I am incapable of thinking otherwise as long as I live, or of acting now but upon the same principle, that I served you before you came to the crown for so many years, when your unlimited favour and kindness to me could never tempt me to make use of it in one single instance, that was not for your interest and

B b 2

service.

1707. sented a congratulatory address upon the wonderful success of her arms, and acknowledged the church to be in a safe and

service. I am afraid I have been too long in explaining my thoughts upon the subject of my own letter, which it seems has been so great an offence; and how justly I leave you to judge; and I must beg your patience, since I am not very like to trouble you again, to let me say something upon the subject of your letter to my lord-treasurer, which he has shewn me to-day, with more concern than I know how to express. This was indeed the subject of my own letter, and the occasion of it; for I do not only see the uneasiness and the grief he has to leave your service, when you seem so desirous he should continue in it; but I see, as well as he, the impossibility of his being able to support it, or himself, or my lord Marlborough, for it all hangs upon one thread; and, when they are forced to leave your service, you will then indeed find yourself in the hands of a violent party, who, I am sure, will have very little mercy or even humanity for you. Whereas you ought to prevent all these misfortunes by giving my lord-treasurer and my lord Marlborough (whom you may so safely trust) leave to propose those things to you, which they know and can judge to be absolutely necessary for your service, which will put it in their power to influence those, who have given you proofs, both of their being able to serve you, and of their desiring to

make you great and happy. But, rather than your majesty will employ a party-man, as you are pleased to call lord Sunderland, you will put all things in confusion; and, at the same time, that you say this, you employ Sir Charles Hedges, who is in one against you, only that he has voted in remarkable things, that he might keep his place; and he did the same thing in the late king's time, till at last, that every body saw he was just dying, and he could lose nothing by differing with that court. But formerly he voted with these men, the enemies to this government, called Whigs; and if he had not been a party-man, how could he have been secretary of state, when all your councils were influenced by my lord Rochester, lord Nottingham, Sir Edward Seymour, and about six or seven more just such men, that call themselves the heroes for the church? But what church can any man be of, that would disturb so just a government as yours? Or how can any body be in the true interest of England that opposes you and your ministers, by whose advice, in four years time, you are very near pulling down the power of France, and making that religion, they only talk of, not only more secure than in any of the late reigns, but putting it upon a better foundation than it has been since the reformation? You are pleased to say, you think it a great hardship to per-

and flourishing condition under her majesty's administration. But, notwithstanding this address, when the debates concerning the union were before the parliament, some in the lower-house spoke very tragically on that subject, and a

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B b 3

com-

‘ persuade a man to part with a
 ‘ place he is in possession of,
 ‘ for one that is not vacant.
 ‘ In some cases that were cer-
 ‘ tainly right, but not in this;
 ‘ for Sir Charles Hedges can
 ‘ have the place he desires im-
 ‘ mediately; and it is much
 ‘ better for him, unless he
 ‘ could be secretary of state for
 ‘ life. He will have two places,
 ‘ that are considerable, one of
 ‘ which he can compass no
 ‘ other way; and this is so far
 ‘ from being a hardship, that
 ‘ he and all the world must
 ‘ think it a great kindness done
 ‘ him; and he must be a very
 ‘ weak man, if he lost the op-
 ‘ portunity of having such a
 ‘ certainty, when he cannot
 ‘ flatter himself, that (whatever
 ‘ happens) he can be supported
 ‘ long in a place of that con-
 ‘ sequence, for which he is so
 ‘ unfit. He has no capacity,
 ‘ no quality, no interest, nor
 ‘ ever could have been in that
 ‘ post, but that every body
 ‘ knows, my lord Rochester
 ‘ cares for nothing so much as
 ‘ a man, that he thinks will de-
 ‘ pend upon him. I beg your
 ‘ majesty’s pardon for not wait-
 ‘ ing upon you; and I persuade
 ‘ myself, that, long as my let-
 ‘ ter is, it will be less trouble-
 ‘ some to your majesty.’

It was a wonder to many,
 as the duchess observes, that
 this affair of the earl of Sunder-
 land’s promotion met with such
 difficulties, considering his re-
 lation to the duke, whose me-
 rit, with his queen and country

was every year augmenting. But
 it quickly appeared, that the dif-
 ficulties, raised by her majesty a-
 gainst parting with Sir Charles
 Hedges, were wholly owing to
 the artifice and management
 of Mr. Harley the other secre-
 tary of state, whose interest and
 secret transactions with the
 queen were then doubtless in
 their beginning. Harley had
 been put into that post by the
 lords Marlborough and Godol-
 phin, when my lord Notting-
 ham, in disgust, resigned it.
 They thought him a very pro-
 per person to manage the house
 of commons, upon which so
 much always depends. And
 his artifices had won upon them
 so far, that they could not be
 persuaded, but they might safe-
 ly trust him, till experience too
 late convinced them of the con-
 trary. But it is no wonder,
 that, with such views, as he
 then had, he should be unwill-
 ing to see a secretary of state
 displaced, over whom he
 thought he had some influence,
 and through whose hands the
 greater part of the business of
 his own office (scandalously neg-
 lected by himself) used to pass;
 and much more unwilling to
 have him succeeded by a per-
 son, over whom he had no
 power whatsoever. As for Sir
 Charles Hedges, when he
 found, how backward the
 queen was to dismiss him, he
 was so prudent, as to make a
 greater advantage to himself,
 by quitting his post, than he
 could have done by holding it.

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committee was named to consider of the present danger of the church. This was carried, by the private management of some aspiring men amongst them, who hoped, by a piece of skill, to shew what they could do, that it might recommend them to farther preferment; they were much cried out on, as betrayers of their party, for carrying that address; so, to recover their credit, and because their hopes from the court were not so promising, they resolved now to act another part. It was given out, that they intended to make an application to the house of commons against the union; to prevent that, the queen wrote to the archbishop, ordering him to prorogue them for three weeks: By this means that design was defeated, for, before the end of the three weeks, the union had passed both houses. But, when one factious design failed, they found out another; they ordered a representation to be made to the bishops, which set forth, that, ever since the submission of the clergy in Henry the eighth's time, which was for a course of a hundred and seventy-three years, no such prorogation had ever been ordered, during the sitting of parliament: And they besought the bishops, that from the conscientious regard, which they doubted not they had, for the welfare of this church, they would use their utmost endeavours, that they might still enjoy those usages, of which they were possessed, and which they had never misemployed: With this, they brought up a schedule, containing, as they said, all the dates of the prorogations, both of parliament and convocation, thereby to make good their assertion: And, to cover this seeming complaint of the queen's proceedings, they passed a vote, that they did not intend to enter into any debate concerning the validity of the late prorogation, to which they had humbly submitted. It was found to be a strange and a bold assertion, that this prorogation was without a precedent: Their charge, in the preserving their usages, on the consciences of the bishops, insinuated that this was a breach made on them: the bishops saw this was plainly an attempt on the queen's supremacy; so they ordered it to be laid before her majesty: and they ordered also a search to be made into the records. For though it was an undoubted maxim, that nothing but a positive law could limit the prerogative, which a non-usage could not do; yet they ordered the schedule, offered by the lower-house, to be compared with the records: They found that seven or eight prorogations had been ordered, during the sitting of parliament, and there were about thirty or forty more, by which it appeared, that the convocation sat sometimes be-
fore,

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fore, and sometimes after a session of parliament, and sat sometimes, even when the parliament was dissolved : Upon all this, the queen wrote another more severe letter to the archbishop (who had now prorogued the convocation to the 10th of April) in which she signified her resentment of the lower-house : Intimating, that she looked upon them as guilty of an invasion of her royal supremacy reposed in her, by the law and the constitution of the church of England ; and declaring, that, if any thing of the like nature was attempted for the future, it would make it necessary for her to use such means for the punishing offences of this nature, as are warranted by law. The lower-house continued sitting after the prorogation. But, on April 10, when the archbishop sent for the lower-house, to communicate her majesty's letter, and some members appeared without the prolocutor, he asked for him, and was told he was gone into the country. This appeared to be a contempt or neglect of such a nature, that it was not to be suffered ; whereupon he proceeded to pass a sentence of contumacy against him for his absence, reserving the punishment of his crime to the 30th of the same month, to which day the convocation was prorogued, by a schedule, backed with a royal writ. The archbishop deferred the punishment, on purpose, that the prolocutor might have opportunity by his submission on that day that was fixed on, to have prevented it. But, in this interval, a protestation against the archbishop was prepared, by the dissatisfied members of the lower-house, which was offered to the house on April 30, with an intimation, that it was the opinion of an eminent counsellor who had been advised with, that no process, begun before the prorogation upon the royal writ, could be continued after such prorogation ; and a concern seemed to be discovered, that the royal supremacy should be this way broken in upon : And so they who by the archbishop, and the queen herself, were charged with invading the royal supremacy, were willing it should be believed, that none had a greater concern for the supremacy than they, and therefore by a protestation, which was carried up April 30, by the prolocutor, the majority of the lower-house declared the sentence of contumacy, and the process continued after the prorogation, to be an invasion of the royal supremacy, unlawful, and altogether null : And yet, though the prolocutor carried up this at the command of the house, and was pressed by his party to stand it out, yet, upon sounder advice given him by some, who understood the law

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better, he made a full submission, with which the archbishop was satisfied, and the sentence was taken off. However, a party continued with great impudence to assert, that their schedule was true, and that the queen was misinformed, tho' the lord-chancellor and the lord chief-justice Holt, had, upon perusal of the records, affirmed to the queen, that their assertion was false, and that there were many precedents for such prorogations.

Expectations of the ensuing campaign not answered.
Hare.

The unparalleled successes of the allies, in the glorious and ever-memorable year 1706, and the many eminent misfortunes to the French king in one campaign, raised great expectations from the next, and made it concluded, that the time was come, in which the perfidy, tyranny, and cruelty of that king's long and bloody reign were going to be repaid him with the same measures wherewith he had formerly treated others. But the events of the ensuing campaign produced a contrary effect, and proved very unfortunate to the allies. The offers of peace, made by France, had been indeed rejected by Great-Britain and Holland, but the inclination (as hath been observed) expressed by some persons to come to a treaty with the French, upon the terms offered, was thought to have raised, in the Imperial court, a strong jealousy, that the maritime powers were tampering with France, and making terms for themselves, to which the interest of Austria was to be sacrificed. And this jealousy was supposed to have put that court upon measures, that had a fatal influence on the campaign of this year, and to have occasioned the two most unfortunate events that happened during the whole war. For the conclusion of a treaty with the French, for evacuating the Milanese, without the privity of England and Holland, gave the French an opportunity of sending immediately into Spain a great body of good veteran troops, to the assistance of king Philip, whose army had by that means the superiority over the allies, and gained the battle of Almanza. And the expedition to Naples was the chief cause of the ill success of the design against Toulon.

The Milanese evacuated.
Burnet.

As to the affair of the Milanese, the French were losing place after place in Lombardy. Cremona, Mantua, and the citadel of Milan were the only places, that were left in their hands. It was not possible to maintain these long without a greater force, nor was it easy to convey that to them. On the other hand, the reducing those fortresses was like to be a work of time, which would fatigue those troops, and would bring a great charge with it. A capitulation was therefore

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therefore proposed for delivering up those places, and for allowing the French troops a free march into Dauphiné. As soon as this was sent to Vienna, it was agreed to, without communicating it to the allies, which gave just cause of offence. It was said in excuse, that every general had a power to agree to a capitulation; and consequently the emperor in this case, was not bound to stay for the consent of the allies. This was true, if the capitulation had been for one single place; but this was of the nature of a treaty, being of a greater extent. By this the French saved ten or twelve thousand men, who must have all been, in a little time, made prisoners of war. They were veteran troops, and were sent into Spain; the ill effects of which were quickly felt.

The design was formed for the following campaign after this manner: The duke of Savoy undertook to march an army into France, and to act there, as should be concerted by the allies (1). Some proposed the marching through Dauphiné

(1) In the memoirs of Christian Cole, Esq; p. 432. is the following project concerted with the duke of Savoy.

Her majesty the queen, having observed with pleasure, that his royal highness was entirely bent to conform himself to the design she has long had, to execute the enterprize against Toulon, as soon as the affairs of Italy would permit it, has ordered her ministers to hold conferences with those of his royal highness about this expedition, in which was regulated and resolved upon what follows:

1. Her majesty will furnish forty ships of the line at the time and place fit for the enterprize of Provence, with a sufficient number of transport-ships, to carry provisions and ammunition from Oneglia and the coasts of Genoa to that of France, when the army shall be there.

2. His royal highness will be pleased to let it be known, as soon as possible, about what time, and at what place, the fleet shall come, that so we may here take infallible measures, that it may be ready and furnished with every thing; and his royal highness is desired not to let the fleet come to the place of meeting, but just at the time he shall judge it to be indispensably necessary to let it act; and then the fleet shall be absolutely under his orders, and the admirals shall have positive orders to obey him, and shall be entirely at his disposition, during the time he shall remain with the army in Provence.

3. Whilst we wait for the time, that is proper for these operations, there will be ships enough in the seas of Italy, to keep the enemies in their ports, and hinder the transports on the coasts of Italy; and, according

1707. Dauphiné to the Rhone, and so up to Lyons; but, an attempt upon Toulon being thought the most important thing which could be designed, that was determined. Marshal de Tefle was sent to secure the passes, and to cover France on that side. Prince Lewis of Baden dying this winter, little esteemed and little lamented, the marquis of Bareith had the command of the army on the Upper Rhine, from whom less was expected; and he was so ill supported, that he could do nothing. The court of Vienna was so set on the redoc-

tion

to the advices we shall receive of armaments at Toulon, these ships shall be reinforced from time to time.

4. His royal highness is desired to take care to have certain advices of the armaments, that shall be made at Toulon, and to let admiral Shovel, who commands the fleet, know them; and afterwards to have the goodness to let us know here, what he may have wrote to admiral Shovel, who will conform himself to his orders and advice.

5. The admiral is to furnish as many cannon for the batteries, as his royal highness shall judge to be necessary for the expeditions in Provence; but his royal highness is to furnish the carriages, that are necessary, the fleet carrying none that are fit for the land.

6. His royal highness is also to furnish the mortars with their carriages, as also the bombs, lead, and the bullets of that size which he shall judge necessary, there being cannon of all sorts on board the fleet; all which he may cause to be brought out of the Milanese to the coasts of Genoa and Piedmont, and to Oneglia, as he shall think proper, to be afterwards brought by the transport-ships, where he shall order it.

7. The ships shall furnish some quantity of powder.

N. B. This article is to be farther explained.

8. His royal highness will have the goodness to take care of establishing magazines for provisions, and oats, and other things necessary for the army, in the places, which he shall judge most proper for the enterprise; as also to find voitures and mules to pass the mountains, and to serve in the army during the campaign, as well in Provence, as in Dauphiné.

9. The queen and the States-General will, upon this project, continue the twenty-eight thousand men in their pay; and they will take care to have them fully recruited, and that early; and the court of Vienna will leave the whole body of troops, which was employed during the last campaign in Piedmont, in Lombardy, to serve in the expedition of France, and will recruit it as they have promised, which will make thirteen thousand recruits of foot, and four thousand new horse, which body of troops is to be in a condition to act in the month of April.

10. His royal highness will, on his side, use all his endeavours to restore and augment his

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tion of Hungary, that they thought of nothing else. The Hungarians were very numerous, but they wanted both officers and discipline. Ragotski had possessed himself of almost all Transilvania; and the Hungarians were so alienated from the emperor, that they were consulting about chusing a new king.

The campaign was opened very fatally in Spain. It has been related, that in a council of war held at Valencia in February, 1706-7, (at which were present the earls of Peterborough, Galway, and Rivers, and general Stanhope) it was resolved to act offensively, seek out the enemy, and endeavour to bring them to a battle, on the strength of the reinforcement arrived from England under earl Rivers. This resolution was not generally approved, for the earl of Peterborough,

Affairs in
Spain.
M. S.
Friend.
Brodrick.

his troops to the number mentioned in the treaty.

11. As to the troops, his royal highness is to chuse those he shall think proper to enter into France, or to remain in Piedmont and Lombardy, and no general shall be allowed to make any difficulty to obey his orders; and her majesty and the States General will obtain from the princes, to whom the troops in their pay belong, express orders to their respective generals, so that his royal highness may have the absolute command of them.

12. It is desired, that his royal highness may enter into France with the greatest number of forces, which the conjunctures of the times, and the situation of the enemies may require, and all within the month of May, if it be possible, having always his principal aim upon Toulon, which is to be the first object of the campaign.

13. Forty thousand pounds sterling will be furnished for the extraordinary expences: And, if that sum be not sufficient, we will give the surplus, which

shall be judged necessary by his royal highness, in whom we place an intire confidence.

N. B. After the return of the courier, this article was changed, and the queen sent fifty thousand pounds sterling immediately to the duke of Savoy, with a promise, that if the design upon Toulon should succeed, she would pay bills, which the duke of Savoy might draw, for fifty thousand pounds sterling more.

14. There will be no troops for a debarkment on board the fleet, while the affairs of Spain will not permit it.

15. The expedition of Naples, that was proposed, is excluded, as being judged at present impracticable, and hurtful to the campaign in France.

If his royal highness has any thing to object or to add to these articles, he is desired to do it by an express, that so a final resolution may be taken about his remonstrances, and be sent him by the same express at his return.

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borough, though dismissed from the command of the army (which, upon the departure of earl Rivers, was devolved to lord Galway) gave his opinion in writing against an offensive war in Spain, urging, ‘ That the confederate troops in
 “ Italy, under the command of the duke of Savoy, and
 “ prince Eugene, could only give the mortal blow, by en-
 “ tering France. That the difficulties of subsisting armies
 “ in Castile were sufficiently apparent in the last campaign.
 “ That the dangers were evident, of putting the whole
 “ upon the risque of passing to Madrid, before an army su-
 “ perior in cavalry: And that, above all things, the de-
 “ fence of Catalonia, Arragon, and Valencia was necessa-
 “ ry.” However, the contrary resolution being taken, the
 earl of Galway, the more to strengthen the confederate ar-
 my, sent orders to the lord Tyrawley’s regiment, and the
 two battalions of marines, who were quartered in Catalonia,
 to march and join him. But the vice-roy of that principality
 would not suffer them to march from their quarters, or part
 with any troops out of the province, without the king’s
 orders, which was often solicited, but could not be ob-
 tained. King Charles, towards the end of February, de-
 clared, to the generals of the allies, his intention of going
 into Catalonia: and a few days after, proceeded in his jour-
 ney thither, taking with him the regiment of dragoons of
 Winterfeldt, consisting of five squadrons, with count Ta-
 lais’s regiment of Dutch foot. But, at his departure, he
 promised the confederate generals, that whenever it should
 be thought proper to march to Madrid, he would be ready to
 join them, with the troops from Catalonia (1).

While

(1) Bishop Burnet says (vol. II. 475.) ‘ That king Charles
 ‘ pretended there was an army
 ‘ coming into Catalonia from
 ‘ Roussillon, and that it was
 ‘ necessary for him to march
 ‘ into that country. The di-
 ‘ viding a force, when the whole
 ‘ together was not equal to the
 ‘ enemy’s, has often proved fa-
 ‘ tal. He ought to have made
 ‘ his army as strong as possibly
 ‘ he could, and to have march-
 ‘ ed with it to Madrid, for the
 ‘ rest of Spain would have fallen

‘ into his hands upon the suc-
 ‘ cess of that expedition. But
 ‘ he persisted in his first resolu-
 ‘ tion, and marched away with
 ‘ a part of the army, leaving
 ‘ about sixteen thousand men
 ‘ under the earl of Galway’s
 ‘ command. They had eaten
 ‘ up all their stores in Valencia,
 ‘ and could subsist no longer
 ‘ there; so they were forced
 ‘ to break into Castile. The
 ‘ duke of Berwick came against
 ‘ them with an army not much
 ‘ superior to theirs; but the
 ‘ court

ft earl Rivers * was gone to the council of war at 1707.
 a, all the troops, both English and Dutch, began to under lieutenant-general Erle, to join lord Galway, The battle of Al-
 h them the regiments of lord Montjoy, colonel manza.
 's, and colonel Alnott's. Brigadier Farrington's re- * This
 was reduced, and the men put into Southwell's and account is
 The marquis de Montandre's regiment, in its taken
 from Alicant to join the rest, was surprized, and from the
 l killed or taken prisoners. The two regiments of manu-
 Sir

script be-
 fore-men-
 tioned.

of France had sent the
 of Orleans into Spain
 some of the best troops,
 they had brought from
 and these joined the
 f Berwick a day before
 o armies engaged.' Dr.
 observes, p. 181, &c.
 after the earl of Peter-
 had given his opinion
 g in the council of war
 cia, on the 4th of Feb-
 707, N. S. against an
 war in Spain, he left
 gdom, and went a fe-
 ne to Italy and Turin,
 ich city he wrote a let-
 e 21st of April, 1707,
 'ortuguese ambassador,
 he pressed more ear-
 and explained more at
 e advice, which he had
 the council of war.
 fore his scheme could
 ain, the confederate ge-
 ad entered upon other
 . Mr. Boyer tells us,
 ' That king Charles,
 his German and Spanish
 ls and ministers, and
 Noyelles, concurred
 he earl of Peterborough,
 re over-ruled by briga-
 Stanhope, the queen's
 r, who declared in her
 That her positive or-
 vere, that they should

' seek the enemy, march to
 ' Madrid, and not divide the
 ' forces upon any occasion
 ' whatsoever.' The earl of
 Galway, in his Narrative,
 gives this account: ' I joined
 ' with those, that were of opi-
 ' nion, that it was by no ways
 ' convenient to divide the
 ' troops, as may appear by a
 ' copy of that opinion signed
 ' by my lord Tyrawley, and by
 ' me, bearing date the 15th
 ' day of January, 1706-7. But
 ' I must beg leave to observe,
 ' that this was not the decisive
 ' council for the operations of
 ' the campaign, for many sub-
 ' sequent councils were held in
 ' the king's presence more im-
 ' portant than this; and tho'
 ' in them there might have been
 ' some variety of opinions as to
 ' the manner, yet almost all
 ' the generals and ministers,
 ' that assisted at those councils,
 ' agreed perfectly in the sub-
 ' stance, which was, that we
 ' should join our troops, and
 ' march to Madrid. Some in-
 ' deed were for passing through
 ' the plains of la Mancha, and
 ' crossing the Tagus; but this
 ' opinion was over-ruled, be-
 ' cause of the hazard in passing
 ' the river, if the enemy op-
 ' posed us, and of the scarcity
 ' of

1707.

Sir Charles Hotham and Colonel Syburg were left to garrison that town and castle, though very weak, and Syburg was

of provisions in the Mancha, which had been exhausted by the enemy's winter-quarters: For which reasons it was, after many debates, agreed, that we should take the way of Valencia and Arragon, passing the Tagus at its head, to avoid all opposition. But, lest the kingdom of Valencia might by this means be any ways exposed, it was likewise resolved, before we should begin our march, to destroy all the enemy's magazines of provisions and forage in the country bordering upon the frontier of Valencia, to prevent them from making any incursions; and I do take upon me to aver, that nothing was ever transacted, during the time I had the honour to command the queen's troops, contrary to the positive resolution of any general council, or council of war, unless that resolution was afterwards repealed by some subsequent council.

So sensible was every one of our being already too weak, that it was resolved to desire my lord Rivers (who was lately arrived at Lisbon) would join us with the troops, that came under his command from England, which his lordship did not long after.

For the better execution of what had been resolved for our march through Valencia and Arragon, proper commissaries and officers were dispatched to provide bread and forage sufficient for the troops

in all places where it was designed the armies should pass. I went with the marquis de Minas to the frontiers towards the latter end of March, and we took the field the beginning of April. We ruined part of the country bordering upon the frontiers of Valencia before the enemy could join their troops, particularly Yecla, where they had their largest magazines; and, judging it necessary to take in the castle of Villena, to prevent the army from being master of one of the most considerable inlets into the kingdom of Valencia, sat down before that place. But it proved stronger than was expected; and, after we had spent some days there, we had notice the enemy had assembled their troops at Almanza. Upon this advice a council of war was held, where it was unanimously resolved to fight the enemy; which we were the rather induced to, because it was judged impossible to subsist upon the defensive in the kingdom of Valencia; for the country had already been so much exhausted by our winter-quarters, that there was not two days provision to be found for the army; and we could not have been able to have subsisted there so long as we did, but for the supply we found in the enemy's magazines in Yecla. Nor did we think it proper to pursue the once intended march through that

was appointed governor, Sir Charles chusing to follow the army. It was the 30th of March before we all could join the

1707.

that kingdom and Arragon, left provisions should be wanting, leaving the enemy so near, and in a condition to follow us; for, though commissaries had been employed, there was reason to apprehend the towns, we were to pass through, would shut the gates against us, whilst we were closely followed by the enemy, and persecuted by the peasants of the country, who, grown desperate, by seeing themselves abandoned, would naturally be up in arms in the mountains. Besides, we had certain advice, that there was already a body of French troops, consisting of eight thousand men in Spain, and upon their march to reinforce the enemy. Thus, as the army must inevitably have perished without fighting, it was thought reasonable to run the hazard of a battle, wherein we had an equal chance to come off victors; which was accordingly done two days after, on the 25th of April, 1707, N. S. but with ill success.

The earl of Peterborough, in answer to the fourth question of the committee of the house of lords, said, 'That several councils of war were held in the month of January, 1706-7, at Valencia, about the time that intelligence was brought, that the forces, under the earl Rivers, were entered into the Mediterranean, in order to adjust the measures for the ensuing campaign. That the matters therein debated were

principally, whether the army should march towards Madrid, and seek the enemy. That, in the debates upon this subject the earl of Galway, Mr. Stanhope, and the lord Tyrwley supported those measures with the Portuguese general; and that the king, the count de Noyelles, the Spanish generals and ministers, with himself, argued strongly against those measures, as highly dangerous and impracticable; and this in repeated councils of war, till, at last, the earl of Peterborough, solicited by the king of Spain to renew the debate, desired the king, that he would order all called to the council to bring their opinions in writing, that every body's opinion and reasons for that opinion, might appear, and be known to the world; which, according to the king's commands, were put in writing, and delivered at the council.'

The earl of Galway, in his reply, or observations upon the earl of Peterborough's answers to the five questions, says thus:

In reply to this assertion, I would beg leave to appeal to your lordships memory, whether, upon the first mention of these resolutions in this most honourable house, the earl did not as positively affirm, That the conclusive council for the operation of the ensuing campaign was held on the 15th of January? And whether he did not offer to depose on oath, that in that

very

1707. the great camp, having met cross the country with many difficult passes, and an incredible scarcity of provisions both for

very council no person whatever was of opinion for making an offensive war, and against dividing the troops, but the lord Tyrawley, Mr. Stanhope, and I? Soon after indeed, upon farther recollection, he was pleased to add the marquis das Minas to our number; and I observe he has since given himself a much larger latitude, both as to the time of holding that council, and as to the persons who voted for an offensive war? His lordship is now so far from confining himself to a day, that he has taken in a whole month; and, by accusing us more modestly for having opposed only the king, count Noyelles, himself, and the Spanish generals and ministers, leaves half the council on our side; for, supposing all the Spanish generals and ministers to have assisted at that council, there could only have been twelve persons there, viz. prince Lichtenstein, count Oropeza, count Corfana, count Cardona, count Noyelles, my lord Peterborough, the marquis das Minas, count d'Assumar, my lord Tyrawley, Mr. Stanhope, monsieur Freisheim, and I. The last six his lordship has plainly left on our side; but my lord Tyrawley positively affirms count Oropeza was of the same opinion, and believes count Corfana was so too. Thus, taking the matter as the earl of Peterborough is pleased to state it, we had an

equality, and, as my lord Tyrawley remembers, the greater number of our party. Perhaps, when my lord Peterborough contended so positively to prove that council, of the 15th of January, conclusive, he was led into that error by the mistake in my lord Sunderland's letter, in answer to one of Mr. Stanhope's of January 15. But he has since been pleased to allow that the council of the 15th was not conclusive, and that many more subsequent councils were held, which determined the operations of the ensuing campaign, wherein he voted himself for marching to Madrid by the way of Arragon, which, I should have imagined, had left no further room to mention our opinions of the 15th. But, because he is still resolved to make good his charge against lord Tyrawley, Mr. Stanhope, and me, he affirms to your lordships, that the occasion of that change in the subsequent councils was, because the opinion of the majority had been over-ruled by a minister of her majesty, assuring, that the queen had given him orders to declare in her name, that her positive orders were, that they should seek the enemy, march to Madrid, and not divide the troops, upon any account whatsoever.

I must confess I do not conceive, that it imports me much to reply to this part of the earl's answer; nor shall I attempt

to attempt

n and horses; and above all, very cold and wet weather, especially for those that were reduced to lie in the field.

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t to make an imperfect
ice for an absent man;
if Mr. Stanhope was

I doubt not he would
be sufficiently to justify
his conduct in this affair.
I cannot help saying,
even malice itself has ne-
ver suggested, that my lord
Wiley, Mr. Stanhope, and
I not act on that occasion
with great integrity, accord-
ing to the best of our under-
standings; nor shall I ever be
willing to own an opinion,
I was then not only the
common sense of the army,
agreeable to the desires
and interest of the whole king-
dom of England.

The earl of Peterborough's
answer to this question,
pleased to say, that, not-
withstanding this, the earl of
Mar had brought the army
to the plains of Valencia, a
very contrary route to that
of Arragon, and into all those
countries, which he was to a-
void marching by the head
of the Tagus. In reply to
my answer, I shall only ob-
serve that I had not the

command of that army (which
consisted of three separate
armies, English, Portuguese,
and Dutch) but the marquis
of Minas, from whom I al-
ready received orders; and
the battle of Almanza was
fought by the unanimous ap-
pointment of a council of war.
Could the resolutions of
that council have ever been
different, had there been the

XVI.

' least difference in opinion, be-
' cause each commander of a
' separate corps might have re-
' fused to march

' For the occasion of our
' moving towards Almanza, I
' must beg leave to refer to my
' Narrative, where I have men-
' tioned more at large, that, in
' order to execute the resolu-
' tions of those councils of war,
' where it was agreed we should
' march to Madrid by the way
' of Arragon, but first to de-
' stroy the enemy's magazines
' on the frontiers of Valencia,
' I went with the marquis das
' Minas in the beginning of
' April to Yecla, where the ene-
' my's chief magazines lay, and
' from thence to Villena, where
' we had advice of their troops
' being assembled at Almanza:
' upon which that council was
' held, wherein the battle was
' unanimously resolved on.

' The earl of Peterborough is
' pleased to add a reason for
' his opinion, That the duke of
' Savoy and prince Eugene had
' declared their sentiments for
' a defensive war at that time
' in Spain, and had communi-
' cated their thoughts to Charles
' III. upon that subject, to the
' certain knowledge of the earl
' of Peterborough, as he can
' make appear by authentic
' papers from the king of
' Spain. I shall not take upon
' me to deny a matter of fact,
' which his lordship so positively
' affirms; but I have been cre-
' dibly informed, that the duke
' of Marlborough and my lord
C e Godolphin

1707. field. The whole army under the lord Galway (1) and the marquis das Minas consisting of about four thousand five hundred

Godolphin did, both of them, assure this most honourable house, that the true project against Toulon was not concerted by the earl of Peterborough, prince Eugene, and the duke of Savoy, but first set on foot by the duke of Marlborough, with count Maffei in Flanders, and finished in England with the counts Maffei and Briancon; but did not require, that any troops should be sent from Spain, nor was ever communicated to the earl of Peterborough: Which indeed his lordship seems to be aware of, when he says not long after, That the project against Toulon, as settled by him, had been so altered, that the duke of Savoy publicly declared his dislike of engaging in it. And yet it is most certain, that his royal highness did engage in an attempt against Toulon, pursuant to the project concerted in England. And, though that attempt did not prove intirely successful, it had a very good effect; for thereby a great body of the enemy's troops were diverted from acting elsewhere, and a considerable damage was done to the fleet and magazines of France.

The author of the impartial inquiry into the management of the war in Spain, having quoted the above cited passage, from the earl of Galway's Narrative, observes, p. 238, 'That hence we are informed of the true reasons, why all the generals of the allies unanimously resolved to fight the battle of

Almanza, for which my lord Galway and the late ministry have been so severely censured, though his lordship was not commander in chief there, nor did the ministry send him orders to fight, as has been very ridiculously suggested; for neither could they have been capable of giving, or his lordship of obeying any such directions at that distance, unless he had thought them apparently necessary, and for the benefit of the common cause. Tho' the success of this action proved different from what might have been wished, it is certain the ill fate of that day cannot, with the least colour of justice, be imputed to the earl of Galway, since it is notoriously known, both his lordship and the troops immediately under his command, as well as the Dutch that were present, did their duty to admiration; but wanting near five thousand of the king of Spain's forces, with part of the Dutch, that had been detached, contrary to my lord Galway's opinion, to Arragon, and being oppressed by unequal numbers, part of our army were forced to give way, and the rest to surrender prisoners of war upon honourable terms. Yet as many regiments as we lost at Almanza, and as much loss as this misfortune has made in the world, it is certain it only reduced us to a necessity of acting upon the defensive.'

(1) English regiments present at the battle of Almanza.

Horfe.

OF ENGLAND.

403

hundred horse, and eleven thousand foot) being joined, moved the next day to a camp at Caudeta, and the day after 1707.
marched

Harvey	—	Number.	227	Elliot and Watkins	800
	Dragoons.			at Gibraltar	
Killigrew	—		51	A detachment from	200
Pearce	—		273	the army in De-	
Peterborough	—		303	nia	
Guiscard	—		228		3704
Carpenter	{ by detach- ments 291 }			Prisoners.	
Essex				Dragoons.	
			1147	Part of Cunning-	
	Foot.			ham's, afterwards	
A battalion of guards	400			Killigrew's, regi-	150
Lord Portmore	—		462	ment taken at	
Southwell	—		505	Elche	
Stewart	—		467	A detachment from	
Hill	—		472	the garrison of	300
Blood	—		461	Alicant at Elche	
Lord Mordaunt	—		532	Ld. Dungannon's	
Wade	—		458	regiment on their	400
George	—		616	march from All-	
Lord Montjoy	—		508	cant	
Maccartney	—		494	Several other pri-	
Breton	—		428	soners taken at	1000
Alnott	—		412	different times	
John Caulfield	—		470	and places, above	
Lord Mark Kerr	—		429		1850
Count Nassau	—		822		
			7536		
			8910		
Regiments in quarters, garri-				To which is to be	
sons, and prisoners.				added the com-	
In quarters and garrisons.				mission, non-	
Dragoons.				commission offi-	
Royal at Culera	302			cers, and the offi-	
	Foot.			cers and servants	
Royal fuzileers, and				of the six regi-	
two battalions of				ments of Far-	
foot at Gironne.	1200			rington, Mohun,	
Hotham, Syburgh,				Hamilton, Al-	
and Blosset, and				len, Brudenell,	
a battalion of				and Toby Caul-	
marines at Ali-	1200			field, which were	
cant.				reduced a little	
				time before the	
				battle of Alman-	
				za.	
					15641

1707.

marched upon two columns, and the baggage upon a third, expecting to engage the enemy in the plain of Yecla: but they were disappointed, for the duke of Berwick had, upon the approach of the confederate army, left that town with great precipitation, though he had made there large magazines of wheat and barley, besides a great quantity of wine, and all other sorts of provisions, as cattle, fish, &c. all which fell very seasonably into our hands.

The generals concluding, from the duke's precipitate retreat from this place, that his army was weak, and that the French succours (consisting of eight thousand men, and which were daily expected) had not joined him, resolved to go and surprise him in his camp at Montalegre, a few miles from Yecla, where they had certain intelligence, that part of his army was incamped. Pursuant to this resolution, April 3, at nine in the evening, our army marched without noise, leaving only two battalions to secure the camp at Yecla. During two days, the whole army had leave to take what provisions they wanted both for horses and men, out of the plentiful magazines in this place, and the rest was ordered to be burnt. On the 7th, the army marched to Villena, a little castle on a high rock, defended by five hundred men, under a resolute governor. It lies in the road between Valencia and Castile, and would have greatly annoyed our convoys. As soon as the army was come before the castle, the governor was summoned to surrender; but he returned a proud answer, on which some field-pieces were ordered to fire against it, but, as they did very little execution, the engineers were commanded to work with the miners. The governor being told, from under the wall, what was doing, gave as bold an answer as he had done to the summons. There were then no thoughts of coming soon to a battle, for the lord Galway gave leave, on the 9th, to the queen's royal regiment of dragoons, to go as far as Denia for their cloathing, and to refresh their horses; and ordered brigadier Carpenter, with all the new-landed dragoons, English and Dutch, to go into quarters of refreshment above ten miles off, to try to recover their horses, which were almost dead by the fatigues of the sea, their long marches from Alicant, and the scarcity and difference of forage, having, instead of hay and oats, only straw and barley (the feed of the country) which was not thought good for the large English and Dutch horses. But the brigadier received orders to return the very day he marched from the camp, upon an intelligence received by the lord Galway,

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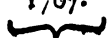
way, that the enemy had assembled all their forces, and were marching the succours expected from France, and were marching as they gave out, to attack us. This intelligence was given to lord Galway (who was so able an examiner of French deserters, that he could not easily be imposed on) two young French gentlemen of a good protestant family, had been educated in the principles of the reformed religion by the care of their parents, a practice very common in France after the persecution. They told him, they had enlisted as volunteers into the French service, in a regiment was coming to Spain, in hopes of meeting with an opportunity to come over to the English. Lord Galway, after a very long conversation, was so well satisfied with the honesty of what they said, that he gave full credit to their intelligence, and took his measures accordingly (a). He ordered that night a new camp to be marked out in a plain, near from Villena, designing to meet the enemy there, if they came to attack us. But, as they did not, it was necessary to go in search of them. The whole army marched in three columns, the 13th of April, from Villena, to Las Alcañices de Bougarres near Caudeta, with an eager expectation to meet the enemy, but none appeared. News being brought, that the enemy were near the town of Almanza, a council of war was held, in which it was unanimously resolved to go the next day, and give them battle. Accordingly about three in the morning, we began to march in three columns, till we had passed the hilly country, which was computed at six long miles, and then, coming into better ground, the army formed, and marched the other three miles in order of battle. About twelve we saw, from some high grounds, the town of Almanza, and soon after they were drawn up, and ready to receive us. They began to fight briskly with two or three batteries, and we returned fire with one. Lord Galway, having seen the disposition of the right and of the center, came to the left, and he commanded, as general Erle did the center, and marquis das Minas the right. He ordered the enemy's rear guard to be attacked by a party of a hundred dragoons who put them to flight. Being pursued beyond their second line, they left the army, and took to the high ground with such haste upon a full gallop, that they were soon several miles from the field of battle; and meeting with the duke of Orleans, who was coming to take the command

C c 3

upon

both these young gentlemen were afterwards provided with ensign commissions in our army. M. S.

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upon him, told him, their army was beat, and all was lost. This put the duke upon going back till night, when he received other news. Lord Galway viewed the right of the enemy, whose line was extended far beyond ours, having many more squadrons than we had in our left, and sent for count Attalaia, who commanded in the second line, to bring up all the horse (which were eleven squadrons of Portuguese) and draw them up so on our left, as far as the center, that they might prevent the enemy's flanking us. Then he commanded Carpenter's and Essex's squadrons to go and attack the battery over-against our left, which did very much gall our horse. This was instantly executed very gallantly, but with ill success. Here the battle began about two. The battery was placed upon a steep rising ground, which covered every thing behind it; so that when the two squadrons came up with it, the guns were in a moment drawn away by the mules that continued fastened to them, and eight or ten squadrons of their best horse fell upon our two with incredible fury, and cut them all to pieces. Then they and the rest of their horse attacked our English and Dutch squadrons, who maintained a very obstinate and bloody fight near two hours, but were at last overpowered by their far superior number, and so cut off, that not above four or five officers, and ten or twelve private men, were left in each squadron. The squadron of Guiscard's dragoons stood their ground the longest of any, and no wonder, for they had thirty-four officers in their front rank, most of them veterans, who had served in all king William's wars. They had charged three times, but, when they saw their friends were gone, the standard was ordered to be secured; after which they attacked three squadrons that faced them, having the lords Galway and Tyrawley, and brigadier Carpenter, at their head, of whom the commander begged, as they came separately to him, that they would be pleased to take the command of the squadron, which they all declined. So the brave old colonel la Fabreque (whose name ought to be mentioned with honour for his courage and conduct) having these three great volunteers with him, fell upon the three squadrons with so much intrepidity, that he routed them, and retired in good order from the field of battle with the three generals. Lord Galway received, in this last bold attack, a cut over his eye (having before lost his right hand, with which he might have parried the blow) and with such a long sword, as wounded his aid-de-camp in the forehead at the same time.

The

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The center, that is, the English and Dutch, were engaged all this while, and drove the enemy with great success before them. They had pushed the first line upon the second, so that, though our left was routed, we still had some hopes, in case the Portuguese horse in the right behaved well, to get the day. But our hopes were soon defeated; for, as soon as the enemy marched up to them, and some battalions gave them a fire, they all galloped away, and the foot ran into some neighbouring woods upon our right, in which flight many of them fell, tho' none were killed in charging. The duke of Berwick, having nothing to fear from our right and left, ordered all his horse to come and sustain his foot, who had been very severely beaten by ours, during three or four hours. The generals, to prevent their being surrounded, ordered all the battalions to form themselves into a hollow square, which so well answered the design, that the enemy could gain no advantage of them, and by that means they retired from the field of battle with little or no loss, though still pursued till night parted them. And, if they could have continued their retreat a few miles farther, the enemy would have had no great reason to boast of a victory, nor would the battle of Almanza have been so much talked of, to say no worse, as it has been in this nation. But the loss of twenty-three battalions English and Dutch, was too great to be easily repaired at so great a distance. How these brave men, after having fought so gallantly for so many hours, and made so glorious a retreat, could at last come to the resolution of surrendering to an enemy that was some miles from them, and reckoned them quite out of his reach, is not so easy to be accounted for, unless their excuse be admitted, which was, that the soldiers, after marching nine hours without any refreshment, and fighting about six, could march no farther: they had spent all their ammunition, and had not so much as bread and water to refresh themselves with; they were all strangers to the country, and did not know of any place to retire to; besides all this, they thought themselves in danger of being pursued and attacked the next morning by the enemy's whole army, against which they could not pretend to defend themselves, being abandoned by all the horse. Upon these considerations, after a long consultation, in which were very warm debates, they came to the resolution of surrendering themselves, as the French infantry had done at Blenheim, and of sending to the duke of Berwick to desire honourable terms, which were gladly

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and readily granted; namely, that they should be prisoners of war, till they could be exchanged; that they should be all disarmed but the officers, who should keep their swords: and that they should have liberty to send for their baggage, before they marched any farther.

The duke of Berwick is said to have been astonished, and could hardly believe the officer who brought him this welcome message, which did complete his victory. For till then it might have been called a drawn-battle, the number of the slain being reckoned very equal, our baggage safe, and only a Portuguese train of twenty field-pieces lost. But twenty-three battalions, carried prisoners into France, were marks of a triumph to all the places through which they passed. To their long and obstinate resistance, the safety of our baggage was certainly owing; for, had the enemy detached a thousand men to secure the very difficult pass of Pont de la Guiera, through which all the Portuguese horse made their escape, and the baggage after them, they must have all fallen into their hands. Two officers of dragoons, that were taken prisoners by the fall of their horses, assured the author of this account, that, when they were carried towards the town of Almanza, they found it in our hands, and above a thousand prisoners in it, the enemy's foot being pushed far beyond it by ours. Almanza was in the center of the field of battle, and the enemy's second line was on both sides of the town (a).

The

(a) Bishop Burnet, p. 475, says, that the confederates had about ten thousand killed or taken prisoners. Among the wounded and slain, these were the most remarkable: The lord Galway was wounded in the face: brigadier Killigrew, being wounded in the first assault, still kept the field, and was killed in a second charge: lieutenant colonel Roper (of major-general Harvey's horse) lieutenant colonel Lawrence (of brigadier Carpenter's regiment) lieutenant colonel Dormer (of the lord Essex's) lieutenant colonel Deloches (of colonel Pierce's) and lieutenant colonel Green (of the lord Peterbo-

rough's) were killed at the head of their respective squadrons, having behaved themselves with extraordinary resolution and undauntedness: and colonel Ierne, and Mr. O'Hara, son of the lord Tyrawley, were wounded. Of the foot, lieutenant Austin of the guards, lieutenant colonel Mac-Neale, (of Southwell's) lieutenant colonel Woollet, and lieutenant colonel Withers (of Blood's) lieutenant colonel Ramsey (of Macartney's) lieutenant colonel Erskin (of lord Mark Kerr's) were among the slain; and lord Mark Kerr was wounded in the arm, and colonel Clayton in the body.

Father

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The next day the Portuguese horse, and part of the English, got into Xativa, with the foot that guarded the baggage; and the day after to Alcira, a very strong town on a river defended by almost inaccessible mountains. Here our broken

Father Daniel's account of the action is to this effect: The action began at three in the afternoon, and the victory stood long doubtful. The regiment of Mayne distinguished itself upon this occasion. Marshal Berwick shewed a great presence of mind, and a vast capacity in the art of war, by providing remedies wherever they were wanting, and guarding against all inconveniences. The enemy was pursued about two leagues. Thirteen battalions were made prisoners in the pursuit, besides five others, which were taken in the field of battle. Six marshals de camp, ten brigadiers, twenty colonels, and eight hundred other officers, were taken with all their artillery, and six-score colours and standards. Near five thousand men were killed on the spot, besides the wounded, which were very numerous, and, among the rest, the lord Galway and the marquis das Minas, general of the Portuguese. The conquerors lost two thousand men, and, among others, the marquis de Sillery and monsieur de Polafron, brigadiers; and, among the wounded were the duke of Salerno, general of the Spanish guards, who received eleven wounds with a broad sword, the marquis de St. Clair and de Silly, marshals de camp: the duke of Orleans, who was lately arrived from France, and was to have commanded the armies of the

two crowns, though he made all possible haste, after he had heard, that the two armies were not far distant from each other, could not come up till the action was over. The marquis de Feuquieres in his memoirs observes, that this was an action of the first species, since the two armies charged through the whole extent of their front; and that the confederates were masters of the two intire kingdoms of Valencia and Arragon, and of all Catalonia, and were preparing to enter New-Castile, A few days before the battle (continues the marquis) they had received a powerful reinforcement from England and Holland, and were determined to improve the time of the first campaign. With this intent they passed the Xucar, and advanced near Almanza. The duke of Berwick marched up to them without the least hesitation, and the armies engaged. The Portuguese infantry being intirely broke in the first charge, and our cavalry having thrown that of the enemy into disorder, we remained absolute masters of the field of battle. The duke of Berwick likewise pursued with his cavalry thirteen of the enemy's battalions, who were retreating in good order through the mountains, with an intention to repass the Xucar, and retire to Valencia; but, as the body of infantry was extremely fatigued

1707. broken army assembled, and lord Galway joined it from Ohtinaute, with the dragoons that had secured his person and retreat (a). From

‘ fatigued and destitute of bread,
 ‘ they were obliged to halt be-
 ‘ fore they could arrive at the
 ‘ Xucar. This discontinuance
 ‘ of their march gave our in-
 ‘ fantry time to approach them;
 ‘ and they were all made priso-
 ‘ ners of war. The recovery
 ‘ of the kingdoms of Valencia
 ‘ and Arragon was owing to
 ‘ the success of this battle.’
 Dr. Hare, in a letter to a tory-
 member, p. 13, fourth edition,
 tells us, ‘ That it was owing to
 ‘ the reinforcement sent the
 ‘ duke of Anjou after the eva-
 ‘ cuation of Milan, that we
 ‘ owed the loss of the battle of
 ‘ Almanza, which proved so
 ‘ fatal to our affairs on that side.
 ‘ If these troops had not joined,
 ‘ we had been superior to the
 ‘ enemy; and that battle had
 ‘ either not been fought, or it
 ‘ had been won, and Spain with
 ‘ it, considering the ill condi-
 ‘ tion the duke of Anjou’s af-
 ‘ fairs were then in; and the
 ‘ true reason we ventured that
 ‘ battle, was to prevent the
 ‘ junction which we did not
 ‘ know, or, at least, did not
 ‘ believe, was made at the time
 ‘ we fought; a mistake, we
 ‘ may think, very easily made
 ‘ in Spain, when it is known,
 ‘ we owe the victory of Ramil-
 ‘ lies to the French making the
 ‘ very same mistake in Flan-
 ‘ ders, where they thought the
 ‘ English had not at that time
 ‘ joined the confederate army,
 ‘ and reckoned for certain, that
 ‘ the Danes at least neither had
 ‘ nor could. And this persua-
 ‘ sion made them venture a
 ‘ battle, which the French had
 ‘ so much reason to remember,

‘ without waiting for a consi-
 ‘ derable body of troops, that
 ‘ were coming to them from
 ‘ the Rhine, the head of which
 ‘ were actually at Namur, when
 ‘ monsieur Villeroy began his
 ‘ march towards the confede-
 ‘ rates. But to return, it is
 ‘ plain the French had not
 ‘ gained the battle of Almanza
 ‘ without that reinforcement
 ‘ from Italy, and even with it,
 ‘ though the battle was fought
 ‘ in April, and our army was
 ‘ in a manner ruined by that
 ‘ blow, all they did that year
 ‘ was only to take Lerida.’

(a) And here (says our au-
 thor) I had the pleasure of be-
 ing eased of a very troublesome
 burden, which had much en-
 dangered my life by the im-
 prudence of the officers, who
 had given me their purses at
 the head of the three squadrons;
 and very large they were, by
 the management of earl Rivers,
 who, unwilling to carry the
 treasure back to England, had
 obliged the pay-masters of the
 regiments to take four months
 subsistence in advance, which,
 it was said, was no small per-
 quisite to his lordship, upon the
 account of the high price gold
 was at in Spain. When I re-
 turned their purses to the offi-
 cers, it was computed I had no
 less than fifteen hundred pounds
 about me, besides some gold
 watches: so that I should have
 been a good booty for some
 desperate deserter, which the
 owners of the money were more
 afraid of than myself. Manu-
 script account of the war in
 Spain, from 1706 to 1712, by
 a chaplain in the army.

From Alcira the worst of the wounded, and the baggage of the officers killed in the battle, were sent to the grove of Valencia, to be embarked for Barcelona. Here a trumpet arrived, with the shocking news of all our infantry having surrendered, and several letters from the officers, with the articles and the before-mentioned apology for their conduct, which was not much relished; for a great difference was made between the French battalions at Blenheim, and ours in the neighbourhood of Almanza. The French were surrounded by a victorious army in a village, and could not pretend to fight their way through it: but ours were in the open field, without any enemy near them. However, their baggage and money were sent to them. Many of our foot lifted among the enemy, designing to come back to us as soon as they found an opportunity, which indeed hundreds of them did in a very short time, the Valencians, Arragoneze, and Catalans, who were all very zealous in king Charles's interest, assisting them in their escape and march to us.

The day after the battle, the duke of Orleans came to Almánza, and took upon him the command of the enemy's army, which, as will be related, was of some service to us. What foot we had left, remained at Ascira and Xativa, and we marched all our horse through the city of Valencia, and some other towns, as far as Tortosa. The enemy followed us, but very civilly, for they generally encamped in the evening on the ground we left in the morning, till we came to the Ebro, and marched over the bridge of Tortosa, to a camp about two miles from the city, up the river. The army did not continue here long, for, on the 11th of May, the enemy appeared on the hills, and an advanced party came down into the plain, a mile from the town, where they staid all that day in sight of our horse-guard. The next day their whole army came down, and, having pushed in our horse-guard, encamped in a long line over-against the town. Upon this we burnt the suburbs on that side the water, and manned a half-moon at the bridge-foot on the same side, whilst our cannon from the castle made a continual fire on their camp. The night of the 13th, they brought down some gabions and lodged themselves near our half-moon; but we made a sally and destroyed that work, which they soon replaced, and continued firing on both sides many days. There being no prospect of any succours to enable us to keep that advantageous post, the lord Galway, after putting a good garrison into Tortosa and

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and Gironne, and leaving the rest of the foot in Tarragona, marched up the river with the horse, and the duke of Orleans, at the same time, ordered most of his cavalry to observe and follow us on the other side of the Ebro. We continued for three months in marches and counter-marches, observing one another's motions, our great care being to prevent the enemy passing the Cinea, which would have been of very bad consequence to us; for the country about Tarragona must have fallen into their hands, unless we were in a condition to make a vigorous stand, which we were not. But the Duke of Orleans proved a very pacific general for some time, having private views, and a very extraordinary scheme for a peace (1.). Mr. Stanhope, the queen's envoy extraordinary, came to our camp near the Cinea to visit the general. During his stay the duke of Orleans sent a letter to the lord Galway, to desire he would send two trusty persons, by whom he had some proposals of the highest nature to make to him. Mr. Stanhope was not long in suspense, but gladly accepted the offer lord Galway made him of being one of the two, and the general's aid de camp was appointed for the other (2). These two gentlemen went to the place assigned for a conference, which lasted some hours, and was managed in such manner, and with so much secrecy, that no one suspected any thing in either army. Lord Galway was not a little surprized at the overtures that were made, and dispatched his aid de camp to the duke of Orleans, with the same answer in substance, general Stanhope had given him. This advantage we reaped from the conference, that we lived some weeks like good neighbours, the enemy on the one side, and we on the other, of the river Cinea, and at a very small distance from one another; but not without great fatigue on both sides, for they made many motions to pass the river, which alarmed our camp, and kept us always, chiefly in the night, upon our guard, ready to mount, and our baggage to be loaded.

Brigadier Carpenter took this opportunity to have his own squadron, Essex's and Guiscard's, sent to Manresa, to refresh their horses, now almost dead, and unfit for service (1).

(1) Which scheme (says our author) I do not think prudent to divulge. His scheme, it is said, was to be made king of Spain himself, for which he offered very advantageous

terms to England. But this is only conjecture.

(2) A man (says our author) of tried capacity and integrity, who afterwards died deputy-governor of Guernsey.

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(1). From hence we soon marched to las Borgues, where we remained some time. About the beginning of August, the enemy detached a good number of horse and foot to France, and the duke of Berwick quickly followed them. On the 30th of that month, they marched from Belpuis towards Lerida (having plundered several villages without sparing the churches) and, passing the Segre, they invested the town the next day on both sides. General Wills commanded the garrison, with the prince of Hesse Darmstadt. The duke of Berwick returned to the army, but without any forces; and it was the 21st of September before they opened the trenches, and the 27th before they erected their batteries. Whilst the siege was carried on, all the forces, that could be drawn from all parts of Catalonia, the lord Galway assembled at las Borgues, and encamped within a few miles of Lerida, with a resolution to attempt the relief of that place. But, before this resolution could be executed, news came that the garrison had capitulated, who marched out of Lerida, on the 2d of November, with all the marks of honour customary after a brave defence (2). In a few days, the horse went into winter-quarters,

(1) Manresa is a fine and rich town, in the mountain of Catalonia, famous for giving birth to Ignatius Loyola, founder of the order of the jesuits. The whole town is entirely devoted to that saint, who had borne arms many years. The house where he was born is turned into a nunnery, where the inhabitants affirm, that on every Whitsunday, when the magistrates and all the religious orders in the town make a procession to that cloyster, the Holy Ghost appears, as a white dove, and perches a good while upon the cross on the top of the chapel. This miracle, which is managed by the priests, is firmly believed by these poor mountaineers, who are pleased, beyond measure, to have so remarkable a token of the divine favour to boast of above their country-

men. Manuscript account, &c.

(2) Barnet's account of this affair is as follows: The duke of Orleans, being reinforced with troops after the design upon Toulon had miscarried, sat down before Lerida, in the end of September, with an army of thirty-thousand men: The place was commanded by a prince of Hesse, who held out above forty days: After some time, he was forced to abandon the town, and to retire into the castle; the army suffered much in this long siege. When the besieged saw how long they could hold out, they gave the earl of Galway notice, upon which he intended to have raised the siege; and, if the king of Spain would have consented to his drawing, out of the other garrisons, such a force as might have been spared, he under-

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quarters, under the command of major-general Carpenter (who had lately received a commission from king Charles, appointing him to that rank) and the foot under major-general Wills marched to the city of Tarragona. The Portuguese and Dutch marched likewise into their quarters, all in Catalonia, between Lerida and Barcelona. And thus ended this long and unfortunate campaign, which had been so unsuccessful, that the principality of Catalonia was all that remained in king Charles's obedience. The lord Galway, general Erle, and the marquis das Minas, with three other Portuguese generals embarked at Barcelona for Lisbon, and Carpenter remained commander of the English.

The allies in Spain were in hopes the Portuguese would have favoured them with a diversion, but were disappointed. For, on the contrary, the Spaniards, under the duke of Ossuna, took Serpa and Moura, and at the same time, the marquis de Bay possessed himself of the bridge of Olivenza, threatening, with the assistance of the duke of Ossuna, to lay siege to that place. The Portuguese, being reinforced with four English regiments (1), began to move on their frontiers. Upon which the marquis thought fit to lay
aside

undertook to raise it, which was believed might have been easily done; and, if he had succeeded, it would have given a new turn to all the affairs of Spain. But count Noyelles, who was well practised in the arts of flattery, and knew how much king Charles was alienated from the earl of Galway, for the honest freedom he had used with him, in laying before him some errors in his conduct, set himself to oppose this, apprehending that success in it would have raised the earl of Galway's reputation again, which had suffered a great diminution by the action of Almanza: He said, this would expose the little army they had left them to too great a hazard, for, if the design miscarried, it might occasion a revolt of

the whole principality, That the humours of princes are often more regarded than their interest; the design of relieving Lerida was laid aside. The French army diminished a fourth part, and the long siege had so fatigued them, that 'it was visible the raising it would have been no difficult performance, but, the thoughts of that being over, Lerida capitulated in the beginning of November.

(1) These four regiments, namely, Pearce, Newton, Sankes, and Stanwix, were embarked at Cork for Portugal, about the latter end of April, and arrived at Lisbon the 4th of June, consisting of two thousand nine hundred men. These were all the forces then in the queen's pay in that kingdom.

aside his enterprize, and, destroying part of the bridge of Olivenza, retired to Badajox. The Portuguese excused themselves for the little resistance they made, by their feebleness, since their best troops were in Catalonia. 1707.

Mr. Stanhope, who, besides his post of brigadier, had also the character of envoy extraordinary and plenipotentiary, took the opportunity of king Charles's broken affairs, to conclude with him a treaty of commerce, which would have been of great advantage to the English nation, had that prince remained quiet possessor of the Spanish throne. In order to effect this, Mr. Stanhope ingratiated himself with the countess of Oropeza, a lady of great wit, whose husband was one of the chief grandees of Spain, but who, having abandoned all his great employments and vast estate, to follow king Charles's fortune, was reduced to extreme indigence; and therefore was the more liable to be managed by a lady, for whom Mr. Stanhope had obtained a considerable present from the queen. This nobleman, who had the greatest weight in king Charles's Spanish council, being gained, and appointed one of his catholic majesty's plenipotentiaries, together with the prince of Litchstenstein and count de Cardona, admiral of Arragon, a treaty was concluded and signed by them and Mr. Stanhope at Barcelona, on the 10th of July (1).

Treaty of commerce with king Charles. Lamberti.

After

[1] The substance of which was, 1. That there should be an universal and sincere peace between the queen of Great-Britain and the king of Spain, their heirs, successors, and the subjects of both nations. 2. That all the treaties of peace, friendship, confederacy, free commerce and navigation between both crowns, should be held to be as firmly renewed and established, by virtue of this present treaty, as if they were inserted therein verbatim, provided they were not contradictory to one another, nor any way lessen the force of these present articles: And that the royal cedulas or patents, which contain divers privileges granted by Philip the fourth, confirmed by the treaty of May, 1667, and all other grants formerly made by any king of Spain, should have the same force and effect with this present treaty. 3. That all the subjects on both sides, who had been made prisoners by either, whether in America, or any where else, should be restored, and set at liberty, as speedily as possible, without charge or ransom. 4. That all merchandize and goods, which the subjects of Great-Britain might bring and import into the dominions

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After the signing of this treaty, king Charles was made sensible, that the concessions granted therein to the English nation

minions of Spain, for which any customs under the name of consumption, or other tolls used to be demanded, should not be obliged to pay the said tolls till six monthis after the unlading, or sale and delivery of the said goods. 5. That the subjects of Great-Britain might bring and import into the dominions of Spain all sorts of goods, wares, manufactures, and fruits, the produce of the dominions of Morocco; nor should any greater toll be demanded for the same than usual. 6. That books of rate, commonly called Fuegos, containing an exact account of the customs agreed on by the commissioners from the queen of Great-Britain and the king of Spain, should be adjudged and established within twelve months after the signing of this treaty, and be published through all the Spanish dominions. Nor should the British subjects be obliged to pay any greater duties than what is therein set down; and for all other goods not mentioned in these tables, the rate of seven per cent. should be demanded upon the credit of the instrument, declaring the charge and prices of the merchandize and goods, which should be exhibited by the merchant or factor, confirmed by witnesses on oath. 7. That all goods taken as prize by ships of war, set out either by the queen or private subjects of Great-Britain, should, without any difference, be esteemed as merchandize and goods of the produce of the British islands. 8. That the queen of Great-Britain and the king of Spain should confirm and ratify these articles within ten weeks.' To this treaty was annexed a secret and most important article, importing, 'That the queen of Great-Britain and the king of Spain being desirous to knit the ties of the friendship and alliance now concluded in such a manner, as that the mutual advantages of it might redound so visibly to the benefit of the subjects of both crowns, that their common interests might cement an eternal and indissoluble union between them; and considering, that the most effectual and proper means to this end would be to form a company of commerce to the Indies, whereby these vast and rich provinces of the dominions of his catholic majesty would inable the monarchies of Great-Britain and Spain to make such dispositions of force, as should, by curbing their enemies, secure to their subjects an universal and lasting tranquillity: It was therefore agreed, that such a company of commerce should be formed, consisting of the subjects of Great-Britain and Spain, in the dominions of the crown of Spain, in the Indies. But, because it was not possible, at present, to enter into the particulars of such a settlement, because the

tion were too large, and such, as would not easily pass with his own subjects, in case he should ever be possessed of the

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the duke of Anjou was, at this time, possessed of those provinces of Spain, which are the principal seats of trade, it was reserved to settle the form of the said company of commerce to the Indies, till his catholic majesty should be possessed of the court of Madrid. But, in case unforeseen accidents should hinder the settlement of such a company, his catholic majesty obliged himself, and promised for himself, and all the kings, his successors, that he would grant to the subjects of Great-Britain the same privileges, and the same liberty of a free trade to the Indies, which his majesty's own Spanish subjects should enjoy; a previous security being given for the payment of the royal duties. That his catholic majesty likewise obliged himself, that from the day, that the general peace should be settled, and consequently, that he should be in possession of the Spanish Indies, to the day that the said company of commerce should be settled, he would give licence and permission, that the subjects of Great-Britain might send every year to all the ports and other places of the Indies, under the dominion of the crown of Spain, ten ships, of five hundred tons each, or more, or fewer ships, provided their whole burden did not exceed in all five thousand tons; in which they should be at liberty to trans-

port, sell, and traffic for all the merchandizes and commodities, which the Spanishi subjects were permitted to transport and traffic for; provided, that they pay all the royal duties, and that the said ten ships should be registered in the port of Cadiz, or in such other port of Spain, as his catholic majesty should appoint, setting out from such port to sail to the Indies, and giving an obligation, that from the Indies they should return to the same port in Spain, without touching before at any other port of Spain, Great-Britain, or France, except in case of being forced to do so by storm. That his catholic majesty would likewise permit, that the said ten ships of trade be accompanied by such a number of British ships of war, as should be necessary for their greater protection and security, provided, that, on board the said ships of war, there might not be loaded any kind of merchandise: His catholic majesty declaring likewise, that he would not cause to be paid, or demand any indulto's, or any other kind of donative, on account of the trade of the said ships, contenting himself barely with the punctual satisfaction of the royal duties. And the queen of Great-Britain offered and promised on her part, that the said ships of war should, both in going to, and in returning from the Indies,

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take

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the Spanish throne; and therefore it was not without reluctance, and merely in compliance with the necessity of his affairs, that he confirmed and ratified the articles of it on the 9th of January 1707-8, six months after they had been concluded and signed. The person, who was intrusted to carry this important treaty to London, having embarked for Barcelona on board a small vessel for Genoa, that vessel was unluckily taken by a French frigate. The express, as is usual in such cases, threw his mail over-board; but it being taken up by some divers, was transmitted to the marquis de Torcy at Versailles, who took care to send privately a copy of the treaty to the States General, in order to excite their jealousy of the English, who were endeavouring by it to engross the trade of the West-Indies (1).

The

• take under their convoy such
• ships belonging to his catholic majesty, returning the
• same to the persons, to whom
• they should be consigned.
• That it being evident to all
• men, that the forces, with
• which the crown of France
• had disturbed Europe, had
• been furnished and supplied
• by the great treasures it had
• drawn from the Spanish dominions in the Indies, by
• the fraudulent introduction
• of their commodities, and
• their trade in those countries;
• it was therefore agreed, that
• from this time forward, for
• ever, all Frenchmen, being
• subjects of France, should be
• intirely excluded, as well out
• of the said company of commerce, as out of all other kind
• of trade, within the dominions
• of the king of Spain, obliging themselves never to consent, by any treaty public or
• private, to any matter, which
• should be repugnant to this
• exclusion of the subjects of
• France.

(1) Dr. Swift means this

treaty in his conduct of the allies and of the late ministry, p. 38, fifth edition, in the following passage: 'Our trade with Spain was referred the same way: But this they will pretend to be of no consequence, because that kingdom was to be under the house of Austria; and we had already made a treaty with king Charles. I have indeed heard of a treaty made by Mr. Stanhope with that prince for settling our commerce with Spain. But, whatever it were, there was another between us and Holland, which went hand in hand with it, I mean that of Parrier, wherein a clause was inserted, by which all advantages proposed for Britain are to be in common with Holland.' The doctor's assertion in this passage is a very groundless one; for the treaty of commerce with Spain and the barrier treaty could not go hand in hand, since the former was signed on the 10th of July 1707, and the other on the 29th of October 1709.

The affairs of the Upper-Rhine, this campaign, were attended with no greater success to the confederates than those of Spain. For the German forces were so inconsiderable in their numbers, and so ill provided, as not to be able to stand a sudden irruption of the enemy. Marshal de Villars, who had with great diligence and secrecy assembled his army early in Alsatia, resolved to pass the Rhine, and committed the execution of his design to the marquis de Vivans and the count de Broglie. To this end, he caused a bridge of boats to be laid over an arm of the Rhine, and, having landed a great number of grenadiers on the island over-against Newburgh, the count de Broglie advanced to the Germans, and attacked them with considerable success. After that marshal de Villars, May 22d, advanced to the lines of Buhl with forty squadrons and ten battalions; and in his march intirely defeated the Germans advanced guard of horse. On the 23d, at break of day, a fog made it difficult to discover whether the Germans, whose tents were standing, and who fired some cannon-shot, continued behind their intrenchments: But, as soon as it was cleared up, it appeared, that they had abandoned them, for fear of being attacked in the rear, having notice, that the whole body, commanded by the marquis de Vivans and the count de Broglie, had passed the Rhine; so, at five in the morning, marshal de Villars entered, without loss, those lines, which had been esteemed the rampart of Germany, and in which he found a great many pieces of cannon, and vast quantities of ammunition and provisions. The same day he advanced to Rastadt, took possession of the castle belonging to the prince of Baden, and prepared to follow the Germans with all possible expedition. The marshal having proceeded successfully thus far, continued four days at Rastadt, waiting for his waggons and artillery, and to give necessary directions; and, on the 28th, marched with his main army, and incamped at Etlingen, where he found a considerable quantity of provisions. The same day, the marquis de Vivans, whom the marshal had sent out with fifteen hundred horse on the road of Pfortzheim, having information, that a body of German horse were coming towards him, advanced to meet them, who, at his approach posted themselves behind a rivulet; but he charged them so vigorously, that they were broke and intirely defeated, a hundred and fifty of them being killed, eighty made prisoners, particularly a major of count Merci's regiment, who commanded them, and count de Berlo, together with all their

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officers, and above a hundred and fifty horses were taken. The Germans not being able to stand their ground, marshal de Villars advanced to Pfortzheim, and there halted to wait for a convoy of bread and meal from fort Louis; and, on the 31st, marched before with the horse of the right-wing, and all the dragoons, to follow the Germans, and observe their motions; and, on the first of June, advanced within two leagues of Stutgard, where he made and had his own demands. The contributions of the duchy of Wirtemberg were regulated, at two millions and two hundred thousand livres, payable in three months; those of the little imperial city of Etlingen on the Neckar, at one million and one hundred thousand, and six hundred thousand livres were demanded of the city of Baden. In Stutgard they found a magazine of four thousand sacks of meal, besides ten thousand furnished by the regency; and marshal de Villars, not being able to come up with the flying enemy, marched towards Schorndorf, which he caused to be invested by the marquis de Fremont. The next day, the marshal came before the place with his whole army; but though the town was pretty strong, both by its fortifications and advantageous situation; yet, the inhabitants refusing to assist in the defence of it, the garrison, to the number of about five hundred men, surrendered the place, upon condition of their being conducted to the imperial army. The French found in the place two mortars, fifty-four pieces of cannon, and a considerable quantity of ammunition and provisions. After this success, the marshal being informed, that three thousand Germans, commanded by general Janus, had intrenched themselves near Lorch, very advantageously, he attacked, and totally defeated them. Janus made a brave resistance; but, being over-powered, his troops were broke, and pursued almost as far as Gemund, with the loss of about six hundred men killed, and as many taken prisoners, and among the latter general Janus himself, and twenty-seven officers. The marshal afterwards did some execution on the rear of the Imperial army, who thought it proper to retire towards Hailbron.

The marshal de Villars had certainly greater designs in view, no less than restoring the elector of Bavaria to his dominions. But, having been obliged to send considerable detachments towards Provence in France, he durst not venture farther, nor undertake any considerable siege. While the empire was thus exposed, all mens eyes turned towards the elector of Hanover, as the only person that could

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recover their affairs out of these extremities, into which they were brought. The emperor pressed him to accept of the supreme command. This was seconded by all the allies, but most earnestly by the queen and the states. The elector used all the precaution that the embarking in such an affair required, and he had such assurances of assistance, from the princes and circles, as he thought might be depended upon; so he undertook the command. His first care was to restore military discipline, which had been very little considered or submitted to for some years past; and he established it with such impartial severity, that the face of affairs was soon changed. But the army was too weak, and the season too far spent to enter on great designs. One considerable action happened, which very much raised the reputation of his conduct. Being informed, that the French had seven regiments of horse and dragoons incamped near Offenburg, under the command of the marquis de Vivans, he detached fourteen hundred men, and one hundred grenadiers under count Merci, to surprize the enemy. That general executed his orders with great conduct; and attacked the marquis, Sept. 24, by break of day, and intirely defeated them, killing several officers, and eight hundred private men. As the French knew nothing of the march of the Germans, they had appointed that day for a forage, which facilitated their defeat. The general made his escape with no small difficulty, and his men finding themselves closely pursued, quitted their horses, and made their retreat through the hedges; so that the Germans brought away four standards, a hundred and fifty prisoners, and near thirteen hundred horses, having had only two lieutenants and thirty private men killed. Soon after, marshal de Villars took the opportunity to repass the Rhine, by the way of fort Louis and fort Kehl; and the elector of Hanover separated his army, and disposed them so conveniently in their winter-quarters, that they might assemble in forty-eight hours upon any emergent occasion.

The duke of Marlborough who had made so glorious a campaign the last summer, merited this year the public attention, chiefly by his important negotiations. Upon his arrival at the Hague, he had a conference with the deputies of the States-general, wherein, among other particulars, he told them, "That the troubles of Saxony occasioning a great distraction in the empire, which brought infinite prejudice to the common cause; the queen, his mistress, had thought fit to send him thither, to pay a compliment

The duke
of Marl-
borough
goes to the
king of
Sweden.
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“ to the king of Sweden, and endeavour to engage him to
 “ remove the just jealousies, which his long stay in the
 “ heart of Germany gave to some of the high allies, for
 “ which purpose he had the necessary powers from her ma-
 “ jesty, and desired the same from the States.” The pen-
 sionary having acquainted the States of Holland and West-
 Friseland with the necessity of the duke of Marlborough’s
 journey, the matter was thought of so great importance to
 the common cause, that they readily concurred in those
 measures, and the duke immediately set out for Leipstick by
 the way of Hanover. Monsieur Auverquerque, velt-marshal
 of the States forces, having had several conferences with
 the duke of Marlborough, set out the same day for Brussels,
 in order to assemble the confederate troops, and observe the
 French, who began to be in motion about Namur.

Apr. 20.

The court of England, it seems, had been advised by the
 elector of Hanover to send the duke of Marlborough to the
 king of Sweden. It was thought this would please him
 much, if it had no other effect. That king still remained
 with his army in Saxony, to the great oppression of that
 country, and to the terror of the court of Vienna, who were
 apprehensive of his quarrelling with them. His designs were
 kept so secret, that they could not be penetrated, which
 made the allies very uneasy. The king of Sweden was very
 remarkable on many accounts. He affected a neglect of his
 person, both in cloaths, lodging and diet; all was simple,
 even to meanness; nay, he did not so much as allow a
 decent cleanliness: He appeared to have a real sense of re-
 ligion, and a zeal for it, but it was not much enlightened:
 He seemed to have no notion of public liberty; but thought
 princes ought to keep their promises religiously, and to ob-
 serve their treaties punctually: He rendered himself very
 acceptable to his army, by coming so near their way of living,
 and by his readiness to expose his own person, and to reward
 services done him: He had little tenderness in his nature,
 and was a fierce enemy, too rough and too savage; he looked
 on foreign ministers as spies by their character, and treated
 them accordingly; for he kept himself on great reserves
 with them, nor would he suffer them to come near him,
 except when they had a particular message to deliver. He
 used his own ministers rather as instruments to execute his
 orders, than as counsellors.

Character
 of the
 King of
 Sweden.
 Burnet.

Whilst the king of Sweden was in Saxony, the Czar over-
 ran Poland, so that king Stanislaus was forced to fly into
 Saxony to the king of Sweden for protection. Both he and

his

his queen staid there all the winter of 1706, and a great part of this summer. The Czar pressed the Polanders to proceed to the election of another king, but could not prevail with them. It was therefore generally believed, that they were resolved to come to a treaty with king Stanislaus, and to settle the quiet of the kingdom, exhausted by a long and destructive war. The Czar tried, if it were possible to come to a peace with the king of Sweden, and made great offers to that purpose; but that king was implacable, and seemed resolved to pull him down, as he had done king Augustus.

To discover this king's intentions was the chief aim of the duke of Marlborough's journey to Alt-Ranstad, about two German leagues from Leipfick, where the king of Sweden had his head-quarters. The duke was accompanied by Mr. Robinson, the queen's envoy extraordinary, and monsieur Cronenburg, the Dutch minister. Being informed on the way, that the king could not give him an audience till the next day, the duke thought fit to go directly to count Piper's quarters (1). The count made ample protestations, how

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Robinson's letter to the earl of Manchester.

(1) This is the account of Mr. Robinson, afterwards bishop of London, in his letter from Leipfick, of May 1707, to the earl of Manchester. But Mons. Voltaire, in his life of Charles XII. king of Sweden, affirms, 'That, as soon as the duke of Marlborough arrived at Leipfick, where king Charles then was, he made his application privately, not to count Piper, the first minister, but to baron Gortz, who began to have a share in the king's confidence with count Piper. He told Gortz, that the design of the allies was, in a short time, to propose to the king of Sweden his being once more mediator between them and France. His motives for this were his hopes of discovering the king's intentions by Gortz's answer, and because he would much rather have had Charles for an arbitrator, than an enemy.'

Mr. Lediard, in his life of the duke of Marlborough, vol. I. p. 457. second edition, observes, 'That this piece of private history of monsieur Voltaire's is mentioned by no other historian, and seems very improbable. I was, says he, that night in the city of Leipfick, and the next morning in the camp; but no such thing ever came to my knowledge. Is it probable, that so remarkable an incident should escape the knowledge of every one, but monsieur Voltaire's informant? Were not the eyes of every one on the duke at his arrival? Could this interview be so privately managed, as not to come to count Piper's knowledge? Would not this have raised a jealousy in him, that must have put a stop to, or very much intangled, the whole negotiation? And can it be believed, that so great a

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how acceptable his coming would be to the king, his master, and appointed eleven of the clock the next morning for his repairing to the head-quarters, when his majesty came from church. The duke went thence to the quarters prepared for him about an English mile and a half from the king's; and the next morning, at the time appointed, went to wait upon his majesty. The intendant of the court and other officers received him, and in the anti-chamber count Piper, who conducted him into the cabinet, where the king was, with several senators, generals, and other officers about him. The duke made a short compliment in English (1), which was

statesman as the duke was, would have thrown such a stumbling-block in his own way, as this would have been, at the very beginning of his treaty? Baron Gortz began indeed at this time to rise on the king's esteem and confidence; but he was not yet arrived to that height in his favour to be a rival to Piper, or to dare to enter into a secret negotiation without his knowledge.' Monsieur de la Motraye, in his remarks on Voltaire, carries the matter yet farther against that writer, and says, 'That Gortz was out of the question, he being then grand marshal of the bishop of Lubeck, administrator of the duchy of Holstein, and was certainly then very little known to the king of Sweden.' But it is evident from Mr Robinson's letter to the earl of Manchester above-cited, that the duke had a conference, on the 28th in the afternoon, with baron Gortz, as well as with count Piper; though he limits that conference with the baron to the affairs of Holstein, in which, he says, things were concerted to mutual content. Monsieur de la Motraye men-

tions a remarkable incident upon the authority of a gentleman, who was in the coach with the duke, when he went to the audience he had demanded of count Piper: 'The duke, says he, coming to the gate of count Piper's quarters precisely at the time appointed, sent in his message, but was answered the count was busy. The duke waited a good half hour before he came down; but he no sooner saw him at the gate ready to receive him, than he came out of his coach, and, putting on his hat, passed by the count without saluting him, and went aside, as if to make water; and then, after having made him wait longer than was necessary for that purpose, he went up to him, and addressed him with that eloquence and politeness, which every one knows was natural to him.'

(1) This is Mr. Robinson's own account, who was present, and interpreted it; and therefore Mr. Boyer is mistaken in asserting, that the duke made his compliment in French. Lamberti, vol. IV. p. 434. says, that it was in English, and to this purpose:

S I R,

was interpreted by Mr. Robinson, as the king's answer was by count Piper (2). Afterwards the duke spoke in French, which the king understood, but did not speak; and the conversation was general for about an hour, when his majesty took the duke with him to dinner, placing him on his right hand, and count Piper on his left. After dinner the duke returned with the king to the audience-room, which, after a little while, was voided by the rest of the company; and then the duke spoke at large, his majesty giving great attention to what was said, with all appearances of much content. Count Piper, who, together with Mr. Harmelin, staid with the king, could not refrain from shedding some tears at the very pathetic expressions, which the duke used to assure the king of her majesty's friendship, and, on the king's

S I R,

' I present to your majesty a
' letter, not from the chancery,
' but from the heart of the queen,
' my mistress, and written with
' her own hand. Had not her
' sex prevented her from taking
' so long a journey, she would
' have crossed the sea, to see a
' prince admired by the whole
' universe. I esteem myself
' happy in having the honour
' of assuring your majesty of
' my regard; and I should think
' it a great happiness, if my
' affairs would allow me to learn
' under so great a general as
' your majesty what I want to
' know in the art of war.'

(2) It was, according to Lambert, to this effect :

' The queen of Great-Bri-
' tain's letter and your person
' are both very acceptable to
' me; and I shall always have
' the utmost regard for the in-
' terposition of her majesty of
' Great-Britain, and the inte-
' rests of the grand alliance. It
' is likewise much against my
' will, that I have been obliged

' to give the least umbrage to
' any of the parties engaged in
' it: But your excellency can-
' not but be convinced, that I
' have just cause to come into
' this country with my troops.
' On the other hand, you may
' assure the queen, my sister,
' that my design is to depart
' from hence as soon as I have
' obtained the satisfaction I
' have demanded, but not soon-
' er. However, I shall do no-
' thing, that can tend to the
' prejudice of the common
' cause in general, or to the
' protestant religion in particu-
' lar, of which I shall always
' glory to be a zealous pro-
' tector.'

Monsieur de Limiers, in his life of Lewis XIV. tells us, that the king of Sweden added, that he was not accountable to any one for his actions; and that he would discover his designs, when he should think proper. This indeed agrees pretty well with the king's general character, but his whole deportment to the duke seems to be a contradiction to it.

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king's part, made suitable returns (3). Those discourses, and others about military matters, took up an hour and a half, when his majesty went again to church. Afterwards the duke made a visit to the countess Piper, and had then a conference with the count, and from thence went to see the velt-marshal Reinschild's lady. On the 28th he went to Leipstick, to wait on king Augustus, with whom he had a private conference of about half an hour, and then returned to count Piper's quarters, where he dined. He had that afternoon a conference with count Piper and baron Gortz, about the affairs of Holstein, in which things were concerted

to

(3) Monsieur Voltaire says, 'That the duke, who was never hasty in making proposals, and had learned by a long experience the art of penetrating into the minds of men, as well as of diving into the secret connexion between their inmost thoughts and their actions, gestures, and discourse, fixed his eyes attentively upon the king. When he spoke to him of the war in general, he imagined, that he saw in this majesty a natural aversion towards France, and that he took a secret pleasure in speaking of the conquests of the allies. He mentioned the Czar to him, and took notice, that his eyes kindled whenever he was named, notwithstanding the moderation of the conference. He moreover remarked, that the king had a map of Muscovy lying before him on the table. This was sufficient to determine him in his judgment, that the king of Sweden's real design and sole ambition were to dethrone the Czar, as he had already done the king of Poland. He found that he had no other views by remaining in Saxony, than, by that means, to

'impose some hard terms on the emperor of Germany. He knew his imperial majesty would comply, and that thus matters would be easily brought to a conclusion. The duke left Charles XII. to his natural inclination, and, being satisfied with having discovered his intentions, he made him no proposal.' Monsieur de la Motraye, in his remarks upon this passage of monsieur Voltaire, says, 'I never heard of these circumstances mentioned; nor do I know it was ever surmised, that the duke, by a bare view of the map of Muscovy lying before the King of Sweden, penetrated into the real design of that monarch, which you yourself afterwards own the Swedes themselves were ignorant of, even when they were actually on their march.' In answer to which monsieur Voltaire refers to monsieur Fabricius as his author, and an eye-witness. Monsieur de la Motraye adds: 'I had the honour to be frequently in the presence of Charles XII. during his sojourn at Bender; but I never knew him shew any aversion towards France. On the contrary,

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to mutual consent. In the evening he supped with veldt-marshal Reinschild. On the 29th he was visited by count Piper, veldt-marshal Ogilvy, and many others; and, after having dined with baron Gortz, had his audience of leave of the king of Sweden. Before it was ended, notice was given, that king Stanislaus was in the anti-chamber; whereupon the duke saying, that he had no objection against his coming in, the king of Sweden went and brought him in. Some civilities passed between that king and the duke, who soon after took his leave, and went to Leipzick, and thence, without making any stay, proceeded on his journey to Berlin. On the 30th of April, he arrived at Charlottenburg, the king of Prussia having sent monsieur Grumkaw to desire him to pass that way. He supped that night with the king, and was lodged in the apartment belonging to the margrave. The next day, being Sunday, he accompanied the king to divine service, and monsieur Lenfant, the author of the histories of the councils of Basil and Constance, by his majesty's particular order, preached in French on that occasion. On the 2d of May the duke left Charlottenburg, in order to proceed towards Hanover, where he arrived on the 3d; and, the day following, had a private conference with the elector. In the afternoon he set out for the Hague, where he arrived on the 8th, having received the highest marks of honour and esteem in the several courts, through which he had passed since his departure from thence.

The next day, the duke was in conference with the deputies of the States-General, to whom he communicated the assurances he had received from the king of Sweden. This intirely dissipated the jealousies, which some of the allies had conceived of his Swedish majesty's designs, which The French were industriously fomented by the emissaries of France, who, try to engage the king of Sweden in an open rupture with the emperor; for which he did a quarrel with the emperor,

contrary, he always employed Frenchmen in his army preferably to all other foreigners, and could not conceal his concern for them when he heard of their losses. I never knew a Swedish officer, but what wished well to France; and I never heard any complaints, but only that France had forsaken them in their misfortunes, and had never paid one penny of the subsidies stipulated between them after the battle of Poltowa.' To this monsieur Voltaire answers; cabinet messengers are admitted to the presence of their sovereigns and are the bearers of their secret councils, and yet are never the better informed of them.'

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did not want plausible pretences. For, about this time, an unlucky quarrel happened between baron Strahlenheim, envoy of Sweden, and count Zobor, an Hungarian lord, son-in-law of prince Adam of Lichtenstein. The occasion was this: Being both at dinner at the count de la Tour's, and discoursing of the affairs of Europe, count Zobor said, Three knaves occasioned a great deal of mischief in the world. He named indeed only prince Ragotski for one, and king Stanislaus for another, but he made use of such expressions, as evidently shewed, that he meant the king of Sweden for the third: Upon which the Swedish envoy thought himself in honour obliged to give him a box on the ear. The company prevented any farther mischief at that time, and count Zobor was at first confined by order of the emperor, and shortly after sent prisoner to the castle of Gratz in Stiria; the commissaries appointed to make enquiry into that affair, having reported, that he had been guilty of disrespect towards the king of Sweden. Baron Strahlenheim having informed the king, his master, of what had passed, his Swedish majesty ordered him to declare, that he approved his conduct; and that he had orders to absent himself from court, till he had received a just satisfaction, as well on that account, as for the affront offered to some officers of his troops, who, being lifting men at Breslau, were insulted by the people. The imperial ministers shewed a willingness, at this critical juncture, to give the king of Sweden all reasonable satisfaction: But, with regard to count Zobor, they thought, that, baron Strahlenheim having given a blow to a person of his quality, and his imperial majesty having since confined him close prisoner, the Swedish court ought not to insist upon farther satisfaction.

This was not, however, the most material point, that made the court of Vienna uneasy; for the Swedes had started other pretensions of a more delicate nature; and, in a declaration, which count Piper had communicated to count Zinzendorf, his Swedish majesty insisting on the delivering up of the Muscovite troops, which, when they escaped the year before out of Saxony, were entertained in the imperial army on the Upper Rhine. These troops being informed, what was in agitation in regard to them, disbanded themselves, and marched off, in parties of about twenty, through Bohemia and Moravia into Poland. This so exasperated the king of Sweden, that he renewed and strenuously insisted upon his demand of the surrender of those

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those troops; adding, that he expected a more ample satisfaction, as well for the affront offered to baron Strahlenheim, as for the recruits which were raised for him in Silesia, and had been taken from his officers at Breslau. The very day that these demands, which were made to count Zinzendorf, were communicated by him to the imperial court, baron Strahlenheim received orders from the king, his master, to repair to him, without taking leave of that court. He was prevailed upon to stay four days, that he might carry with him the emperor's answer to his master's demands; but that answer not being then ready, he left Vienna, and set out for Saxony. Two days after, the answer was, however, sent, and imported, in substance, "That the emperor could not deliver up the Muscovites, they not being in his power: "That count Zobor should be prosecuted as a criminal in the course of law; and, as for what had happened in Silesia, with respect to the levies for his Swedish majesty, sufficient satisfaction should be made, after due examination into the matter of fact." To give farther satisfaction to his Swedish majesty, the imperial court soon after declared, that some troops had been detached in pursuit of the Muscovites, in order to their being delivered up to the king of Sweden, but had not been able to overtake them; and farther, solemnly averred, that the Muscovites made their escape from the Rhine, without their connivance or participation. This declaration was, however, contradicted by baron Strahlenheim, who, in his way from Vienna to Saxony, meeting some of those troops, and pretending to be count Wackerbaert, a general in the service of king Augustus, they frankly owned, that their escape was concerted with the imperial court. This, being entirely believed by the king of Sweden, irritated him the more, and made him insist peremptorily upon full satisfaction, with regard to all the three points, before he left Saxony. The emperor dreading the consequences of a rupture with the Swedes, who might easily have over-run his hereditary countries; and having nominated count Wratislau to go to the king of Sweden, to adjust all differences, that nobleman wrote to count Piper, to know whether he should meet with a favourable reception. But count Piper let him know, "That, if he came with power to give his master real satisfaction, he would be welcome; but that, if he only came to enter into a discussion of his Swedish majesty's pretensions, he might save himself the trouble of that journey." Upon this, the imperial court sent orders to count Zinzendorf,

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to urge count Piper to declare, what satisfaction his master insisted upon, since he refused to allow his minister to discuss it, and to assure him, that the emperor was ready to refer the controverted points to the arbitration of the queen of Great-Britain (1). Her majesty wrote likewise to the king of Sweden, to exhort him to forbear all hostilities; but his answer was, "That, seeing the emperor did not give him the satisfaction he expected, he should be obliged to take it, since his delaying to do himself justice had encouraged people to offer him new affronts." Which last expression related to the escape of the Muscovites. The imperial court not only complied with the king of Sweden's demands, as to the delivering up both count Zobor, and the imperial officers, who hindered the raising of the Swedish levies in Silesia, as preliminaries to the admission of count Wratislaw,

(1) This is confirmed by the following passage, in a letter of the earl of Manchester to the earl of Sunderland from Vienna, May 14, 1707, printed in Mr. Cole's memoirs of affairs of state, p. 447.

'The ministers (says lord Manchester) have spoke to me of the proceedings of the king of Sweden towards this court. This envoy has again renewed with strong expressions his demands of having the Muscovites delivered to him by the emperor, and satisfaction for what has passed between the count Zobor and his minister, which he carries so high, as to make it a capital crime, as also reparation in the matter of Breslau; and, in case he has not immediate satisfaction, he has orders to go away. These things make them very uneasy here, they lying so exposed. All this he has done within these few days; and since the duke of Marlborough has been in Saxony, which they hoped had made all things

'easy. I believe, they have not yet determined what measures to take; but I believe they have wrote this whole matter to England, and I cannot tell whether it will not stop the detachment for Naples, tho' by this time it should be marched. I do believe, that they wrote this whole matter to England, to be laid before the queen; and I hear they have also sent an express to Holland. I wish it may not be the occasion of recalling some troops out of Italy for their own preservation.' Here the earl of Manchester seems doubtful, whether the duke of Marlborough had been so effectually successful, as had been hoped: but the earl of Sunderland, in a letter to his lordship from Whitehall, May 6, 1707, says, 'lord Marlborough has, I hope, left matters with the king of Sweden in as good a way as one could expect, which will be a great ease on that side.'

as envoy from the emperor ; but declared likewise, that the city of Breslau should pay four thousand crowns to the widow of a Swedish corporal, who was killed in that city, in a scuffle, occasioned by the seizure of those levies. But this forced compliance did not fully satisfy the king of Sweden, who, upon count Wratislau's arrival at Alt-Ranstadt, refused to admit him to his audience. This minister was therefore obliged to content himself with conferring with count Piper and monsieur Hermelin, concerning the escape of the Muscovites, which the imperial court now thought was the only important point, that remained unadjusted. But they were deceived.

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It seems the protestants in Silesia had their churches, and the free exercise of their religion, stipulated to them by the treaty of Munster, and the crown of Sweden was the guarantee for the observation of this article. Now, these churches being taken from them, the king of Sweden, upon their application, very readily embraced the opportunity which had been long neglected or forgotten by his father, to restore them to their just rights and privileges. To this end, having sent four regiments of Swedish horse into that country, he multiplied his demands into the following articles : “ I. That the emperor should give it under his hand, “ that he knew nothing of the march of the one thousand “ two hundred Muscovites, who escaped through the hereditary countries. II. That he should forthwith decide “ the affair of the election of Lubeck in favour of the duke “ administrator of Holstein, and confirm the agreement between that house and the chapter for the two next generations. III. That the country of Hadeln, on the river “ Elbe, be sequestered into the hands of his Swedish majesty, “ till the right of all the pretenders to it be decided. IV. “ That the protestant religion in Silesia be restored according to the treaty of Westphalia. V. That his imperial “ majesty should renounce all pretences to the quota which the king of Sweden had not furnished towards the present war, and should draw no consequences from the “ crown of Sweden's not having done homage for the dominions they have in the empire, since the year 1664. “ VI. That the whole Swedish army, in their return through Silesia into Poland, should be maintained at the emperor's “ charge.” There were about the same time certain other articles handed about privately in Holland, which, it was insinuated, the king of Sweden designed to propose to the diet, the chief of which were : “ I. That the elector of “ Bavaria

The king of Sweden gets the protestant churches in Silesia to be restored.

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“ Bavaria should be restored, or, at least, his electorate
 “ given to the king of Sweden, and he be declared elector
 “ in his room, as being his nearest relation. 2. That, for
 “ the future, the election of emperor should be alternately
 “ out of the three religions, since the electoral college was
 “ composed of them. 3. That the protestant churches
 “ should be re-established in Silesia, Moravia, Bohemia,
 “ Hungaria, &c. on the same foot they were on at the
 “ time of his great predecessor, Gustavus Adolphus. 4.
 “ That the king of Sweden should have the sovereignty of
 “ the city of Bremen.” These articles were probably
 forged in France; but, with regard to the other six articles,
 they occasioned several conferences between count Wratislau
 and count Piper; and the former, being convinced of the
 necessity of preventing a rupture, which would have proved
 fatal to the common cause, passed over several formalities,
 and granted some points, which, at any other time, would
 have been rejected by the court of Vienna. The confirma-
 tion of the treaty between the chapter of Lubeck and the
 ducal house of Gothorp in the year 1647, and the restora-
 tion of the exercise of the protestant religion in Silesia,
 were the two articles of hardest digestion with the imperial
 court, and therefore met with the greatest difficulty. The
 Swedes insisted, that they should be allowed to keep some
 troops in Silesia, till the churches of the protestants should
 be rebuilt, which the imperial court would not agree to;
 and, on the other hand, they refused to approve and ratify
 the treaty about the bishopric of Lubeck, till that affair was
 fully examined. But the guaranty of the queen of Great-
 Britain and the States-general removed all obstacles, and on
 the 1st of September, N. S. all matters were agreed upon.

The king
 of Sweden
 leaves
 Saxony.

The next day the king of Sweden decamped very early
 from his quarters at Alt-Ranstadt, and count Wratislau,
 having waited upon him, the treaty was signed at Wolk-
 witz that very day; and the imperial minister set out on the
 3d for Vienna, to have the agreement ratified.

King Augustus being indisposed, the king of Sweden
 went to Dresden, and made him a visit, with whom he had
 a long conference. His Swedish majesty, being returned to
 his army, continued his march for Silesia, where the impe-
 rial ratifications of the convention, signed by count Wrati-
 slau, were delivered to him. That prince was so well
 pleased with the dispatch used at the imperial court in this
 affair, that he resolved to quit Silesia immediately, and
 march into Poland, so that all his forces were on the other
 side

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side of the Oder before the 25th of September. However, his Swedish majesty left the baron de Strahlenheim in Silesia to see the execution of the treaty; and, before his departure from Leibnitz, he had the satisfaction to see several churches restored to the protestants, which was no small mortification to the jesuits and popish priests, who made great opposition to the performance of what had been stipulated; but the imperial court would not provoke a prince who they thought was seeking a colour to break with them. It is observable, that the bishop of Breslau, fearing the resentment of the pope, took a pretence to absent himself from that city, to avoid signing the orders given for restoring the protestants to their former rights. But the king of Sweden, being displeased with that prelate on this account, signified, that he expected that he should sign and approve those orders; which formality he thought necessary, because the bishop of Breslau is the chief person in the regency of Silesia next to the emperor; and therefore his refusing to subscribe the orders might afterwards have been drawn into ill consequence against the protestants. As for count Zobor, whom the king of Sweden had sent prisoner to Stetin, he was upon his humble submission set at liberty with great marks of generosity. Upon these proceedings the king of Sweden was highly magnified, and great endeavours were again used to engage him in the alliance; but he was so set against the czar, whom he designed to dethrone, that nothing could divert him from it.

To return to the duke of Marlborough. He arrived at Brussels the 13th of May, and having immediately held a council of war with monsieur Auverquerque and the field-deputies of the States, orders were sent to the confederate troops to march to their rendezvous at Anderlach near Brussels; from whence they moved to Billengen and Lembeck. Upon intelligence, that the elector of Bavaria and the duke of Vendosme, who commanded the French army, were come out of their lines, the allies marched to Soignies, with a design to engage them in the plain of Flerus: but being further informed, that the enemy were much superior in number, and had drained all their garrisons, with a design to plunder the rich open cities of Brabant, in case the allies should undertake any siege; the confederate generals marched back from Soignies towards Brussels, and posted themselves at Meldert. At the same time, the French advanced to Gemblours; and so both armies continued above two months in their respective camps. At length, upon certain Advice

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that the French had detached thirteen battalions and twelve squadrons from their army towards Provence, the duke of Marlborough, in concert with monsieur Auverquerque and the deputies of the States, resolved to march from Meldert towards Genap, in order to attack the enemy with less disadvantage, in their fortified camp at Gemblours. Accordingly, the disposition was made for the army to pass the Zeule at the abbey of Florival; which being done, they marched towards Genap, where they encamped with their right at Promelles, and their left at Davieres. Here they had intelligence, that the enemy no sooner received advice, that the army of the allies was in motion, than they were extremely alarmed, and immediately ordered their troops to their arms. They likewise cut down several trees in the roads and passages, which led to their camp, and, having got certain information which way the allies were moving, they began their march with all imaginable precipitation towards Flerus and Hespernay, intending to be that evening at Glosseliers, and take possession of the strong camp at Pieton. The confederate generals received advice, that the French army had made but a short halt at Gosseliers, and were advanced to Seneff, the elector of Bavaria having taken his head-quarters in the castle of Vanderbeck, and the duke of Vendosme in the farm-house of Rel, between Vanderbeck and Seneff, with the river Pieton before them. The duke of Marlborough and monsieur Auverquerque having conferred together, it was resolved to march directly to Nivelle, and attack the enemy; but, coming too late to attack them that day, and having reason to believe, that they would attempt to retire in the night, in order to gain the camp at Cambron, all possible diligence was used to prevent their effecting it. To this end, count Tilly, with forty squadrons of horse and dragoons, which were commanded, under him, by the earl of Albemarle, and the major-generals count d'Erbach and Ross, and a detachment of between five and six thousand grenadiers, commanded by lieutenant-general Scholten and major-general Zoutland, was ordered to post himself between the two armies; and, in case the enemy decamped, to fall upon their rear, and keep them in play, till the whole army should come up. These troops, notwithstanding they marched with all possible dispatch, could not reach their posts before midnight. The French, in the mean time, foreseeing what was the duke of Marlborough's design, and perceiving, that it would not be possible for them to avoid an engagement, if they

continued

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continued in their camp till the morning, resolved to decamp in the night, and count Tilly advancing before break of day with his detachment, saw their army in full march, making their retreat in very good order from hedge to hedge, and observed the country to be so difficult, that it would be next to impossible to come at them. He gave immediate notice of this to the duke of Marlborough, and informed him, that he was marching to endeavour to attack their rear, according to his orders. Upon this the duke detached twenty battalions, and thirty squadrons, under the command of general count Lottum, to support count Tilly; the horse being commanded by lieutenant-general Dopf, the sieur Schulenburg, and the earl of Athlone, major-generals; and the foot by lieutenant-general Fagel, and major-general Welderen. Count Tilly marched with all possible speed, and had several skirmishes with the enemy's rear; but, having pursued them three or four hours, as far as the plains of Marimont, and observing, that it was to no purpose to fatigue the troops, he returned to the camp. The country was cut by many deep roads, which very much favoured the enemy's retreat; for there they posted some of their infantry, which hindered the confederate horse from making openings to follow them. The duke of Marlborough, who was advanced with a detachment, being returned to the camp, resolved to remain there that day, to give the troops some repose, after the fatiguing march they had made; and, because he was under an uncertainty, whether the enemy marched towards their lines, or to Cambron, monsieur Auverquerque sent one of his aids-de-camp, with one hundred and fifty hussars, to post himself on the hills of the Great-Roulx, from whence they discovered the enemy's march at about half a league's distance. That officer reported, that the vanguard was advanced to St. Dennis, having the river Haisne behind them; which was confirmed by the spies, who added, that the elector of Bavaria had his quarters at St. Dennis, and the duke of Vendosme at Castiaux. From this march the generals concluded, that the enemy did not design to retire within their lines, but rather to possess the advantageous camp at Cambron: upon which the confederate army decamped from Nivelle; but, having the whole day a very violent rain, which made the roads almost unpassable, it was very late when the right came to Soignies, and the left could not come up till the next morning, though a thousand pioneers had been three days at work to repair the road from Arquennes to Soignies.

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The confederate army suffered very much in this march, but the enemy laboured under much greater difficulties; for, having lain on their arms at St. Dennis all night, they pursued their march early the next morning with great precipitation, and in the same confusion as before, to Chievres, where they arrived at the same time the confederates came to Soignies. This hasty retreat, besides the fatigue, occasioned a very great desertion among the French; for, their soldiers having been without bread for more than two days, and without rest for three, not having time to put up their tents between Seneff and Chievres, about a thousand of them went over to the confederate camp, and as many more at least to Brussels and other places. The enemy was, besides, in want of all sorts of necessaries, during their whole march from Gemblours, their baggage being sent away from thence, with their artillery to Charleroy, upon the first motion of their army to avoid an engagement.

The great rains, which continued for some days, having rendered the ways wholly unpassable, obliged the duke of Marlborough to give over the pursuit of the enemy, and detained the confederate army in the camp at Soignies. The enemy, in the mean time, fortified the avenues to theirs, as well as the unseasonableness of the weather would allow them; and though their army was soon after reinforced with six battalions and two regiments of horse from the flying camp of count de la Motte; yet they retired farther beyond the Marque, and incamped with their right at Pont à Tresin, and their left under the cannon of Lisle. Monsieur Roussel, in his account of this march, observes, that the confederate army left their camp at Soignies on the 31st of August, and marched directly towards the enemy, who were at Cambron: that the prince of Orange, as general of the republic, put himself at the head of the Dutch infantry; but that the French had no sooner advice of this march, than they quitted the camp at Cambron with great precipitation, notwithstanding the advantageous situation, passed at length the Scheld, and retired behind their lines between Lisle and Pont à Tresin: that, if the allies had begun their march an hour or two sooner, they might have fallen upon the rear-guard of the French army, whom they saw following the body of it: and that the van of the allies got into their camp, where they found beer, wine, and several other things, which the French had not time to carry away with them. The allies advancing again towards them, the duke of Marlborough had intelligence, that the French
had

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had made a disposition to forage at Templeuve and the villages thereabouts: he therefore marched out by break of day with twenty thousand foot, five thousand horse, and twelve pieces of cannon, with a design to attack the guard that covered them, and by that means endeavour to bring them to a general action; but the enemy, being informed of the duke's intention, did not think fit to venture out of their camp. The duke therefore ordered his troops to forage those places, that the enemy might have no farther benefit from them; which was done without the least opposition, though under the cannon of Tournay, within a league of the enemy's camp, and three from that of the confederates; so fearful were the French of exposing themselves to any hazard, though with never so visible an advantage. The duke of Marlborough finding it impossible to bring the duke of Vendosme to an engagement, the French camp being covered with the Scheld and their intrenchments, he left the camp at Helchim on the 4th of October, N. S. and went to the Hague, where he arrived, on the 6th, at nine in the morning, and immediately made a visit to the grand pensionary and monsieur de Slingerland, secretary of the council of state. The same afternoon he had a conference with the deputies of the States-general, wherein he communicated the orders he had received from the queen of Great-Britain, to repair to Francfort, and confer with the electors of Mentz and Hanover about the operations of the next campaign. The next morning he had another conference with these deputies, and, in the evening, set out for the army, to give the necessary orders for the marching into winter quarters. Immediately after his arrival there, the troops which were designed for the garrisons of Menin, Courtray, and Oudenarde, went into those places; and, when the rest of the army came to Asche, they continued there till they heard the French army was separated, upon which all the confederate troops went into winter-quarters, being much the same as they had been the last year.

The ar-
mies se-
parate.
Oct. 20.

The duke of Marlborough set out for Germany, and was met by the elector palatine at Bruck, about a league from his castle of Banburgh; and, the next day, he arrived at Francfort, where the electors of Hanover and Mentz being already come, they had several conferences together, but nothing was concluded, till the arrival of count Wratislau, the emperor's plenipotentiary; nor even then neither, because the count declared, that he was not fully instructed. Upon this the conferences broke off; and the two electors

The duke
of Marl-
borough
goes to
Germany.

1707. left Francfort, and the duke of Marlborough returned to the Hague, attended by count Wratisslau, and arrived there on the 3d of November. During his stay, he communicated to the States-general what had passed at Francfort; and, their deputies having had several conferences with the imperial ministers, the States resolved to use all possible means to engage the empire, to make greater efforts for the future than they had hitherto done. In order to this, they wrote a pressing letter to the diet of Ratisbon, wherein, after having represented the great deficiencies and delays of the Germanic body from time to time in the performance of what they were by treaty bound to, and the ill consequences which had hitherto attended them, they concluded, with saying, 'That their High-mightinesses would continue to contribute their utmost towards bringing about the great work, which they had, jointly with them, undertaken; but that they expected the like from his imperial majesty and the empire, seeing they were obliged to it by their alliances and the common interest; and, in case of non-performance, their High-mightinesses protested against all the ill consequences thereof.'

and re-
turns to
England.

Cam-
paign in
Italy and
Provence.
Burnet.
Hist. of
Europe.

The duke of Marlborough, having settled several other affairs with the States, embarked for England, and came to St. James's on the 7th of November.

The queen of Great-Britain, the States-general, and the duke of Savoy, had formed (as hath been said) a project of invading Provence in France, in order to take or destroy Toulon and Marseilles; which design, if it could have been effected, would have ruined the maritime power of France, and been of infinite advantage to Great-Britain and Holland, by securing and enlarging their trade, and to the whole confederacy, by depriving the enemy of means to carry on their profitable commerce to the West-Indies, which alone enabled them to prosecute the war. But the court of Vienna laid the design of reducing the kingdom of Naples, which, as it tended to divide the confederate army in Italy, clashed with the other enterprise, and therefore was strongly opposed by Great-Britain and Holland, the earl of Manchester, who passed through Vienna in his way to Venice, having remonstrated against it (a). These representations having proved

(a) In order to form a clear notion of this affair, it will be proper to transcribe such passages from the letters written by the earl of Manchester and to him, as relate to this subject.

proved ineffectual, and the court of Vienna insisting, that the forces of the allies were sufficient to carry on both these enterprises at once; count Thaur, with a strong body of imperialists, marched from Lombardy through the ecclesiastical

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The earl of Sunderland to the earl of Manchester.

Whitehall, March 7, 1706-7,
O. S.

Having received by the last post an account of an agreement between prince Eugene and the prince of Vaudemont, for the withdrawing all the French troops out of Italy, and apprehending lest the court of Vienna, upon this, may be more intent than ever, upon the design of sending troops into the kingdom of Naples, and monsieur Vryberge having, in a memorial to her majesty, represented the same thing; her majesty has commanded me to acquaint your lordship, that it is her pleasure, that you hasten your journey to Vienna as much as possible; and that you do represent to that court, in her majesty's name, how destructive any such design would be to the carrying on the war in Dauphine and Provence, which is settled and concerted by the duke of Savoy, and which is the only way by which France can be affected, or a diversion made in favour of king Charles.

The earl of Manchester to the duke of Marlborough.

Hague, March 25, 1707.

I have waited on the pensionary, and I told him, that I had orders to make what haste I could to Vienna; and that her majesty did intirely concur with the States-general, in re-

lation to the project concerted with the duke of Savoy. He seemed to think, that the agreement that is made in Italy, for the French troops to retire to Susa, may be of ill consequence; and this he supposes is the reason, why her majesty nor the States-general were not made acquainted with it from the imperial court, lest they should have dissuaded them from it.

Marquis de-Prie to count Leichtenstein.

April 8, 1707.

We are at last come to the favourable moment to be able to undertake the conquest of Naples, with all the appearances of a speedy and happy success. The kingdom is intirely unprovided with troops; the people shew openly enough a good disposition for the very august house, and they are at liberty to follow it. The retreat of the enemies out of Lombardy, will give still more courage to the well-intentioned. We have even all the reason to believe, that France has already resolved to renounce that kingdom, which she would, besides, have difficulty enough to support. The cabinet of France will reflect without doubt, that the sending a small body of men would be sacrificing them with the country; and she cannot send thither a great one without unarming the frontiers on the side of Piedmont, which is intirely open, after the de-

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1707.
The conquest of
Naples.

astical state, and struck no small terror into the court of Rome, as they passed near it. It was apprehended, that some resistance would have been made in Naples by those who governed there under king Philip; but the inbred hatred which

molation she has made of Nice and Montmeillan, rather to satisfy her animosity against his royal highness of Savoy, than to follow her intentions. Our army will be stronger and in a better condition to act, than that of the last campaign, which has surmounted so many obstacles. All the troops of the allies remain in Italy. The imperial army will be reinforced considerably by the recruits and the remounting. That of his royal highness will be re-established to the number of seventeen thousand men. We are here almost ready to undertake the expedition of Naples, and the entry into France, both at the same time. The enemies will not be able in this uncertainty to send troops into the kingdom of Naples, which they would hereafter not be able to withdraw, or to reinforce, as soon as the fleet shall appear in the Mediterranean. On our side, we can carry on that war with all sorts of convenience and advantage. Our troops, and especially our horse, will go by land, whilst France will be obliged to immense difficulties and expences to embark their cavalry. She may remember the consequences of the engagements at Messina: the too great distance caused her so great a diversion, that the court of France was at last persuaded to abandon, scandalously enough, that enterprise, at a time when she made war every where else with advantage enough. But,

if she would even make all sorts of efforts, we shall be always able to make detachments from this army great enough to maintain a superiority. So that she will either ruin herself in supporting a distant war, full of expence and difficulty, or we shall have fair play; and we can finish the expedition in one march, and even make use elsewhere of the troops, that will not be necessary to guard the country; whence we can easily embark the foot, and transport them in a little time to Final, or perhaps into Provence. We could even, in case of necessity, send them into Spain. I have made good use of these reasons to persuade the ministers of England and Holland of the facility of this enterprise. I have shewn, that it does not hinder us at all in any of the operations, and the view we have of entering into France, which they have much at heart; and, far from that, the conquest of these two kingdoms will facilitate the means to push that war more vigorously, and to finish it perhaps more quickly, whilst it may chance to determine the Spaniards to return to their duty, to preserve the estates in Italy to their monarchy. I have also endeavoured to confirm his royal highness in the first resolutions which were taken, and of which we formed the projects at the end of the last campaign, which were then sent to England; whilst he was

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which the Neapolitans bore the French, together with the severities of their government, had put that whole kingdom into

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very much attacked by the remonstrances and difficulties which the two powers made, and by the zeal he has to push his point vigorously on the side of France, according to the desire and instances of England and Holland, and the hopes we have to cause some commotions. His royal highness has declared, that he would submit to what the emperor should order about it, and that he will be ready to execute it.

The earl of Manchester to Mr. secretary Harley.

Vienna, April 25, 1707.

I arrived here on the 21st, and had been here sooner, had I not met with contrary winds on the Danube, though I find it would have been much the same thing, for this week every one is in devotion. I have, nevertheless, seen monsieur de Zinzendorf and monsieur Wratislaw, and did not fail to take the first opportunity to shew them the ill consequence to the intended design of prosecuting the war into France, should they first undertake that of Naples; and I did acquaint them with the orders I had received from her majesty. As for count Zinzendorf, he was not so positive as the latter; but they both agreed in this, that it would not in the least prejudice that undertaking; for since the French were intirely out of Italy, there were troops sufficient for both. That prince Eugene was to stay, though his presence would have been of very great consequence: that they had

given their reasons to monsieur Dopf, which they hoped would satisfy her majesty; as also the States-general. I had a great deal of discourse on that subject with the latter, who, I fear, has no great opinion of the project concerted with the duke of Savoy. When I pressed that matter, he did say, that, by the grand alliance, that of Naples was first to be undertaken; and that the emperor was not able to sustain this war without some assistance of that nature: that every thing was ready here, and they had reason to believe, they should succeed with a small number of troops. I do not doubt but her majesty is already informed of the reasons they alledge; and I cannot but think, though they do not positively own it, that the orders are already gone to Italy.

The earl of Manchester to the earl of Sunderland.

Vienna, April 27, 1707.

Yesterday I had my audience of the emperor, when, after I had made him the usual compliments on the part of her majesty, and told him how great a satisfaction it was to her, as also to her allies, that his majesty had granted the investiture of the duchy of Milan to the king of Spain, and that her majesty had commanded me to receive his orders before I went to Italy; then I acquainted him, that the expedition into France was of the last consequence, not only in relation to the common cause, but also to the securing the crown of Spain

1707. into such a disposition to revolt, that the small party which adhered to king Philip, found it not advisable to offer any resistance,

to the king: that her majesty did hope, that he had given all the necessary directions, in order to support it as far as it is possible: that it was a matter that so nearly concerned her majesty, in regard it related to the king of Spain, that she did hope there would be no objections made to it. I also took notice of the orders I had received in relation to the duke of Savoy. The emperor answered me, in relation to her majesty, with all the acknowledgments imaginable; but did not touch on any thing of the investiture of the duchy of Milan. As to the duke of Savoy, he said, that he had done, and would do what remained, not only in regard to him, whom he spoke extremely well of, but also in regard to the queen. I have again pressed all the ministers to lay aside for the present the sending a detachment to Naples, &c.—Yesterday arrived an express from count Galas. The letters are of the 9th instant, O. S. I perceive they do not please here, for they are much set on the expedition to Naples. I asked monsieur Zinzendorf, whether the reasons they had given monsieur Dops, had changed their minds in England, in the affair of Naples? but he seemed to own they had not.

Memorial of the Dutch envoy.

The States-General of the United-provinces have ordered the under-written minister at the imperial court, under the

date of the 11th of April 1707, to represent here, that they must judge, by the small preparations that are made by the said court in Italy, for the concerted expedition against France from that side, that the imperial court takes the said expedition very little to heart; but that it seems rather, that they think here only on that of Naples; which their High-mightinesses can, however, not approve of, nor can they find the reasons alledged on the part of the said court sufficient to justify it, because, the great aim of the war and the alliance being to bring France to reason, the invasion of France is the most certain and the most likely method to do it; and the more the forces, that are to be employed in this, shall be considerable, so much greater will be the effect hoped from it, whilst the expedition for Naples deviates from it, and cannot but lessen the success of it, by lessening the forces, without causing the enemy any diversion; and whilst we shall by this put ourselves in danger of losing Spain, which would be a loss by no means to be made up by all the advantages that can be obtained by the expedition of Naples. It is therefore, that their High-mightinesses hope, that his imperial majesty would still be pleased to desist from the said enterprise to Naples; and they have ordered their underwritten minister to make the most pressing instances, that all the forces that are

in

resistance, and had only time enough to convey their treasure, and all their richest goods to Gaeta, and to retire thither.

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in Italy, may be employed in the expedition against France; and that all the necessary preparations for this may be forthwith made, with more seriousness and application, than could hitherto be perceived.

Vienna, April 25, 1707.

J. J. HAMEL BRUYNINK.

The earl of Manchester to Mr. secretary Harley.

Vienna, April 30, 1707.

Here are no letters yet from England; so that I continue, as often as I see the ministers, to persuade them to lay aside the expedition of Naples, which I believe they will do, unless it be approved of by her majesty. What makes them more zealous in that matter, is the apprehension, that in Holland they might be brought, at a general peace, to consent to the dismembering it from the Spanish monarchy; and, if once they are in possession of it, England will never consent to it. They flatter themselves, that, upon their appearing, the people will declare. As to the intended expedition into France, it is certain, that this court has sent the recruits they promised, as also the mounting for their horse. They also assure me, that they are doing what is necessary in relation to their magazines; but I am confident, that in this they will fall short; and I can easily perceive, that their meaning is, only till their troops can enter into France; and then they must subsist them-

selves, or we must do it: which I find is the true reason, which makes them say, that of Provence is most practicable, because, as I suppose, they think they can be subsisted by our fleet. They assure me, that what is agreed on will be performed.

The earl of Manchester to the earl of Sunderland.

Vienna, May 4, 1707.

They are still zealous for the expedition of Naples. These troops, as they promise, shall not exceed seven thousand men; and that in case they do not succeed, they will not send a man more; but those troops are to canton, and to keep their ground, till a more favourable opportunity. General Thaurin is to command them, and under him general Kriegbaum, who set out yesterday with orders to prince Eugene to have the troops ready; and it may be to march, for there is no time to be lost. But I am still of opinion, they will wait till they see what the king of Sweden will do, and what assurances the duke of Marlborough has. Here are letters come from thence, which mention, that his grace was in conference with count Piper for several hours; that my lord duke arrived there on the 26th, and was to go away on the 29th, but they could not tell any particulars. No express is come here from the emperor's ministers, which makes them fear here, that things

1707. thither. They reckoned, that they should either be relieved from France by sea, or obtain a good capitulation; or,

things are not right. The letters all agree, that they very much doubt it, which, I believe, will be the only inducement to prevent sending a detachment to Naples. For the present, I take all occasions to dissuade them from it; but their answer is always what I have already mentioned; as also that there will be more troops left, after this detachment shall be made, than can be employed. The emperor will have thirty-five thousand men in Italy, and in our pay, as they say, twenty thousand. There should be twenty-eight thousand. But the Hessians, Saxe-Gotha, and Palatines will not be complete. The duke of Savoy has thirteen thousand. So that the army will consist of about sixty eight thousand men. Now the conclusion is, that, if seven thousand out of this army go, there will still remain troops sufficient for garrisons, and a very great army for the expedition, and more than can be subsisted. These are the arguments they make use of, both to the envoy of Holland and to myself. We still persist to persuade them to lay aside this expedition for the present. What they will do, time must shew; for nothing is certain here, as your lordship cannot but know very well.

The earl of Manchester to the earl of Sunderland.

Vienna, May 7, 1707.

Here are no letters from England by the Dutch post; but the orders, the envoy of Hol-

land has received, continue the same in relation to the expedition of Naples, which, they continue to say, cannot fail to succeed, all things being prepared there for a general revolution, and that, if they should not go, they would expose all their friends. Here are some persons of quality of Naples, to whom they give pensions. These are to go with the troops, but I do not find as yet, that they have any orders. The arguments here are still, that the duke of Savoy does not propose for this expedition more than thirty-five thousand men: That there will be left a great body of men, after what is intended is executed: That they are very much surprized at our being so much against this expedition; but they give me to understand, that they know from whence all this comes: That there may be a particular view in a certain prince, that the duke of Anjou should have Naples at a general peace. They are very well satisfied by what I have said, that this can never be the intention of England, or that they can ever agree to it: I must confess, that, by all the informations I can get, I cannot see, but there will be seventy thousand men in Italy; and if the detachment to Naples should amount to ten thousand men, and the garrisons in Lombardy to ten thousand more, there will still remain a very great army: What there is to be apprehended is, that there are not those maga-

zines

or, if that failed, they had some ships and galleys, in which they might hope to escape. The Imperialists took possession of

zines prepared, as, in case this court is to do it, are necessary.

The earl of Manchester to the earl of Sunderland.

Vienna, May 11, 1707.

I believe you will have received, before this comes to your lordship, the certainty of the detachment's going to Naples. It consists of five regiments of foot, and five of horse, which, though not compleat, will amount to ten thousand men, as you will see by the inclosed. They are at present in the Modenese; and, about the 16th instant, they begin their march to Naples. I have done all I could to persuade them to defer it. Their arguments are still the same; only they say farther, that prince Eugene has wrote to England to satisfy the queen, that it will not prejudice the great design against France. They have all often repeated, and do still promise, that there shall not be a man more sent, let the success be what it will, till they see the event of the other expedition, which, as I can perceive, they have no great opinion of, tho' they agree, that it ought to be attempted.

The earl of Sunderland to the earl of Manchester.

Whitehall, May 6, 1707.

I have the honour of your lordship's letters of the 27th and 30th of April, N. S. and am very glad to find you have some hopes, that that court will lay aside their thoughts of the ex-

pedition to Naples. It was always very unreasonable, but particularly so now, since our great misfortune in Spain — Upon these accounts her majesty would have your lordship insist, in the strongest manner possible, against this expedition to Naples, as that, which will very much obstruct, if not totally defeat the main design of entering France by Dauphiné or Provence, which seems to be the only means of bringing France to reason, and retrieving our misfortune in Spain.

Mr. secretary Harley to the earl of Manchester.

May 8, 1707.

I received this morning the honour of your excellency's letter of April 30. I am heartily glad your excellency has had so much success, as to shake that court from their speculative expedition against Naples. But I am very sorry, that the misfortune of our army in Spain is an irresistible argument to lay aside wholly that project. The accounts we have of this disaster are only got from France; yet they bring too many marks of truth not to be credited so far, as that we have received a very great loss there. The queen has done all that is possible on the sudden event, and in this great uncertainty. Orders are gone this night to encourage the king of Portugal to keep firm to the alliance; and likewise to Holland, to consult with them the best way to recover the blow. But all will be

1707. of Naples, where they were received with great rejoicing. But their ill conduct quickly moderated that joy, and very much

be to no purpose, unless the emperor will exert himself upon this occasion, not only to lay aside the expedition to Naples, to push vigorously into France, but also to act offensively upon the Rhine. These are points which the queen hath so much at heart, that her majesty hath wrote to the emperor with her own hand, which I inclose herewith to your excellency, that you may please to deliver it with all possible speed; and that you may be better apprized of it, I inclose also a copy for your own perusal. Your excellency will enforce it with such arguments, as you will find, according to your great sagacity, may best incline his Imperial majesty to comply with so reasonable a desire; and you will be pleased also to press the emperor to send his brother the king of Spain some troops. Without that, it will be hard for her majesty to prevail with the States-General to join with her in sending more troops.

The queen to the emperor.

SIR, my brother,

The advantage, which the enemy has now obtained in Spain, might have such dismal consequences, that I could not forbear to tell you, that it is of the utmost importance, that all your troops, that are in Italy, should be employed to make an invasion in France; and that, at the same time, the army in the empire should act with vigour on the Rhine. Spain is so far

from the countries, in which my troops, and those of the States-General, are, that there is no remedy so quick nor so powerful, as that of making this invasion. Your majesty is too well informed, to amuse yourself with a little expedition for some member or dependency of that kingdom, when the noble and principal parts of the monarchy in question, the honour and welfare of my brother the catholic king, and in his person the dignity of the august house of Austria, are concerned. I promise myself therefore from your prudence, that you will think only on the re-establishment of the affairs of that prince, by obliging his enemies to recall their troops for the defence of their own dominions.

I am,

Your majesty's

most affectionate sister,

Kensington, May 6,

1707.

ANNE R.

The duke of Marlborough to the earl of Manchester.

Brussels, May 17, 1707.

I did not receive the honour of your excellency's letter of the 27th of last month, till my return from Saxony to the Hague, where I made so short a stay, that I hope you will excuse my not answering it sooner. I have seen by other letters from Vienna of later date, how obstinately they pursue the expedition against Naples, notwithstanding all the representations that have been made to dis-

sua

much disposed the Neapolitans to a second revolt ; but, upon applications made to the courts of Vienna and Barcelona, 1707.

suade them from it. A jealous humour prevails so much at that court, that they will not seriously weigh and consider their own interest, so that the best arguments are thrown away. I expect soon to hear, whether our misfortune in Spain has made such impression, as it ought, with them.

The earl of Manchester received on the 18th of May, 1707, a note from Mr. Hemel Bruyninx, envoy from the States-General at Vienna, to let his excellency know, that he had received from the prince of Salms an extract of a letter, wherein it was said, among other things, that the detachment for Naples was great enough to maintain a superiority, which the envoy said, would by no means please his masters at the Hague. ' It was then ' pretty plain, says Mr. Cole, ' that the Germans had no ' great desire for Spain, but ' wanted only Italy ; and that ' they had not the expedition of ' Toulon at heart, fearing the ' aggrandizing the duke of Savoy, whilst they spread reports, as if that prince was ' not to be trusted, and prepared to lay the blame on ' him, if, according to their ' wish, the expedition should ' not succeed.'

The earl of Manchester to the lord-treasurer Godolphin.

Vienna, May 18, 1707.

I was unwilling to leave this place without acquainting your

lordship with the situation of affairs here, where there are so many ministers, each opposing the other, that every thing, how reasonable soever the matter is, meets with delays, and sometimes fatal ones: This has made the emperor fling himself more than ever entirely into the hands of the prince of Salms, who is so troubled with the gout, that the emperor comes to him. The whole business of the rest is to bring their own designs about through his means. I do not find one of them, but what was extremely bent on the expedition to Naples, and speaking very doubtfully of that of France, and of the difficulties it would meet with ; not but that they all agreed, it ought to be attempted ; and the emperor did assure me he had given the necessary orders to prince Eugene. I find, that the subsisting of this army is still one of the arguments against that expedition, which makes me fear that they do not intend, or cannot contribute much towards it.

The earl of Sunderland to the earl of Manchester.

Whitehall, May 9,
1707, O. S.

I have the honour of your lordship's from Vienna of the 4th of May, N. S. and I am sorry to find that court continues so obstinate in their wrong measures ; but I will still hope that the news of the fatal blow we have had in Spain, will bring them

1707. Iona, the excesses of the Imperialists, who carried the ravenous disposition with them wherever they went, were somewhat

them to their senses, so as not to divert their arms from the only part, where we may hope to retrieve that misfortune; at least they must never hope to have the queen's consent to it; and this your lordship will let them know in the strongest manner, if you are yet there.

The Dutch envoy to the earl of Manchester.

Vienna, May 28, 1707.

I hope, that this will find your excellency happily arrived at Turin. The count of Rechteren arrived here the 25th instant; and though we have, according to our orders newly received from their High-mightinesses, again opposed the expedition of Naples, and even protested against the bad consequences, which it may have, especially after the melancholy news of a defeat in Spain; we have not been able to obtain, that this expedition be countermanded; these ministers make use of the same reasons, which they alledged, when your excellency was here; which makes me wish the more to hear from your excellency, how you have found things in Italy; and if the conjectures of this court are true in their utmost extent; and, above all, whether there be so many troops, as they persuade themselves here; whether they apply themselves with vigour to the expedition against France; whether they be ready, and agreed in regard to the magazines; when the passage

of the mountains will be practicable; and whether the expedition to Naples will cause no prejudice to the other. They had even given out, on the part of this court, in England and Holland, that your excellency was entirely come into the same sentiments with them in this affair, which their High-mightinesses can scarce believe, whilst they have seen the contrary in my advices; and I do again this day justice to your excellency upon that in writing to my masters.

The earl of Manchester to the earl of Sunderland.

Turin, June 8, 1707.

The envoy of Spain presses for five thousand men to be sent to Spain; but since the detachment for Naples does proceed according to the positive order from the court of Vienna to prince Eugene, I cannot see, that any can be spared from this side; neither do I think, that they will be inclined to send their troops, unless it be from Naples, if they succeed, as they imagine they shall. I received here your lordship's of May 6, O. S. as also one of the same date from Mr. secretary Harley. I am satisfied, that, had I been at Vienna, nothing could have prevailed with them to alter their design on Naples. — The duke of Savoy is not in the least pleased with the Imperial court, of which I shall soon acquaint you more fully.

1707.

what corrected, so that they became more tolerable (i). As soon as a government could be settled at Naples, they undertook the siege of Gaeta, which went on at first very slowly; so that those within seemed to apprehend nothing so much as the want of provisions, upon which they sent the few ships they had to Sicily, to bring them supplies. When these were sent away, the Imperialists, knowing what a rich booty was lodged in the place, pressed it very hard, and in conclusion, took it by storm, and so were masters of all the wealth that was in it. The garrison retired into the castle, but they were soon after forced to surrender, and were all made prisoners of war. It was proposed to follow this success, with an attempt upon Sicily; but it was not easy to supply Naples with bread; nor was the English fleet at liberty to assist them; for they were ordered to lie on the coast of Spain, and to wait there for orders; which, when they arrived, required them to carry the marquis das Minas, and the earl of Galway, with the forces of Portugal, to Lisbon: The thoughts of attempting Sicily were therefore laid aside for this time; though the Sicilians were known to be in a very good disposition to entertain it. A small force was sent from Naples to seize on those places, which lay on the coast of Tuscany, and belonged to the crown of Spain; some of which were soon taken; but Porto Longone and Port Hercole made a better resistance.

In

(1) The earl of Manchester, in a letter to the earl of Sunderland, dated at Venice, August 19, 1707, writes thus: 'I fear the Germans begin to make the most of the kingdom of Naples. They laid a duty on fruit and herbs, which so incensed the people at Naples, that there has been a tumult, which might have had worse consequences, but was prevented by revoking it.' And Mr. Cardonnel, in a letter to Mr. Cole from the camp at Helchin, dated October 2, 1707, and printed in the memoirs of the latter, has these words: 'It

' resolved to ruin the kingdom of Naples, as they have done the electorate of Bavaria; but in all likelihood they may repent it, when it is too late. It is a miserable council governs that court of Vienna. In the mean time we are sufferers; for, instead of assisting the king of Spain, as the revenues of Milan and Naples ought certainly to do, they do not stick to say, it is none of their concern; and that we must carry on the war in Spain for our own interest. God preserve us hereafter from such allies.'

1707.

The de-
sign upon
Toulon
fails.

In the month of June, the design upon Toulon began to appear. The queen and the States general sent a strong fleet thither, commanded by Sir Cloudesly Shovel. Prince Eugene had the command of the imperial army, which was to second the duke of Savoy in this undertaking, upon the success of which the final conclusion of the war depended. The army was not so strong, as it was intended it should have been, on account of the detachment, which was sent to Naples, and the stopping in Germany of eight or ten thousand recruits, that had been promised to be sent to reinforce prince Eugene; for the emperor was under such apprehensions of a rupture with Sweden, that he pretended it was absolutely necessary, for his own safety, to keep a good force at home. Prince Eugene had likewise orders not to expose his troops too much; by which means they were the less serviceable (1). Notwithstanding these disappointments, the duke of Savoy, after he had for some weeks covered his true design by a feint upon Dauphiné, by which he drew most of the French troops to that side; as soon as he heard, that the confederate fleet was come upon the coast, he made a quick march through ways, that were thought impracticable, to the river Var, where the French had cast up such works, that it was reckoned these must have stopped his passing the river; and they would have done it effectually, if some ships had not been sent in from the fleet into the mouth of the river, to attack these works, where there was no defence, because no attack from that side was apprehended. By this means the works were abandoned, and so the passage over the river was free.

July 11.

Upon this the duke of Savoy entered Provence, and made all the haste he could towards Toulon. The artillery
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(1) Mr. Cole informs us in his memoirs, page 457, that the earl of Manchester told him, That he had been with the duke of Savoy, when prince Eugene made many difficulties about the expedition against Toulon, and the duke of Savoy answered them all. When prince Eugene was gone, his royal highness asked my lord Manchester, what he thought now of prince Eugene? His excellency an-

swered, that he was sorry to hear him make so many difficulties. Then the duke said, I will tell you, my lord, what I think of him and all the Germans: I believe they have no great mind to take Toulon, and their whole mind is set on Italy. But his excellency attributed this to the warmth of that prince, and believed prince Eugene would do his best.

1707.

and ammunition were on board the fleet, and were to be landed near the place, so the march of the army was as little encumbered as was possible; yet it was impossible to advance with much haste in an enemy's country, where the provisions were either destroyed, or carried into fortified places, which, though they might have easily been taken, yet no time was to be lost in executing the great design; so this retarded the march for some days: Yet, in conclusion, they came before the place, and were quickly masters of some of the eminencies, that commanded it. At their first coming, they might have possessed themselves of another called St. Anne's Hill, if prince Eugene had executed the duke of Savoy's orders: He did it not, which raised a high discontent; but he excused himself, by shewing the orders he had received, not to expose the emperor's troops (1). Some days were lost by the roughness of the sea, which hindered the ships from landing the artillery and ammunition. In the mean while, the troops of France were ordered to march from all parts to Toulon: The garrison within was very strong; the forces that were on their march to Spain, to prosecute the victory of Almanza, were countermanded; and so great a part of Villars's army was called away, that he could not make any further progress in Germany. So that a great force was, from all hands, marching to raise this siege; and it was declared, in the court of France, that the duke of Burgundy would go and lead on the army. The duke of Savoy lost no time, but continued cannonading the place, while the fleet came up to bombard it: They attacked the two forts, that commanded the entrance

(1) On the 3d of August, Mr. J. Chetwynd, wrote the following letter from the camp there to the earl of Manchester, printed in Cole's memoirs, p. 465: The situation of affairs here is somewhat changed since my last, but not so much as I could wish, or indeed as I did expect. This is the 9th day that our army has been before Toulon; and all that we have done has been to oblige the enemies to quit us some small posts, where we design to make our batteries; but their camp before the town is

in the same place where it was when we came, though most people will have it, that they might easily have been forced away. I do not know, my lord, what is the meaning of it, but things do not go as they ought to do. Of our great men, I only find his royal highness hearty. I fear, if we do not make better haste, that we shall pass our time but ill, since we are informed, that the enemies are gathering together from all parts to drive us from hence.

F f 2

1707.

trance into the mole with such fury, that they made themselves masters of them; but one of them was afterwards blown up. Those within the town were not idle: They sunk some ships, in the entrance into the mole, and fired furiously at the fleet, but did them little harm: They beat the duke of Savoy out of one of his most important posts, which was long defended by a gallant prince of Saxe-Gotha; who, not being supported in time, was cut to pieces. This post was afterwards regained, and the fleet continued for some days to bombard the place, with so good success, that a great number of houses were destroyed, several magazines blown up, and eight men of war either burnt or rendered unserviceable (2). But, in the end, the duke of Savoy, whose strength had never been above thirty thousand men, seeing so great a force marching towards him, who might intercept his passage, and so destroy his whole army, and there being no hope of carrying the place, found it necessary to march home in time. Accordingly, having ordered all the artillery, and the sick and wounded to be embarked, he decamped in the night, retiring in very good order the same way he came, without being the least insulted by the enemy (3). After his return into Piedmont,

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(2) Namely, *Le Triumphant* of eighty-two guns; *Le Sceptre*, ninety; *Le Vainqueur*, eighty-six; *Le Neptune*, seventy-six; *L'Invincible*, seventy; *Le Serieux*, sixty; *Le Laurier*, sixty; and *Le Sage*, fifty-four.

(3) The progress of the siege will appear from the following journal of Mr Chetwynd, dated at the camp at la Valetta, August 20, 1707, and printed in Mr. Cole's memoirs, p. 470:

The 14th, My last to you was this day, since when I hear, that some deserters from Toulon bring word, that the enemies have given out powder and ball to every soldier; upon which orders are now given to reinforce the guard upon the left of our line with three bat-

talions, the right having already a reserve of four battalions ordered for some days before. The 15th, the enemies, as the deserters had reported, marched all night to gain the hill above our camp upon our right, and that with so much diligence and secrecy, that they seized on our advanced guards, and began their true attack on our right by break of day, after having made their signal for the attack by firing three guns, making at the same time a false attack on our left. Our troops on the right received the enemies very well at first; but being over-powered by their superiority, and the situation of the ground being such, that the reserve could not immediately come up, they were obliged to give way, and retire into the other

he concluded the campaign on that side, with the recovery of his important place of Suza, which the French had left unprovided, 1707.

other posts on the right, which they did in very good order, till the prince of Saxe-Gotha, who was general of the day, was killed; and this, tho' they were exposed to the fire of the place, and of three ships, which did not cease firing during the whole action. The enemies endeavoured to push their good fortune farther; but, after a dispute of about two hours, at a little caſine in the middle of our communication, they were obliged to stop in the post of St. Catharine, for fear the troops, which his royal highness and prince Eugene, who arrived a little after the action was begun, had ordered to march to the top of the hills, should cut off their retreat to the camp; which they had great reason to apprehend, since they could not but perceive our whole army in motion, which our generals had ordered so, in view of a general action, upon the news we had received the day before, that the enemies had above sixty battalions in their camp. But things went no further, and towards the evening the enemies abandoned all they had taken, after having set fire to our batteries, and ruined all the works we had made on the right—A detachment of horse we had in the valley of Ardennes on the right of our camp, with a small body of foot, was attacked by the enemies at the same time, but came off without any loss, Colonel Pheffercorn, who commanded them, having been kil-

led the day before, as he went to reconnoitre the enemy. We do not know the loss of the enemy in the attacks of our works, on the right, but to judge by our own loss, and the resistance our troops made at first, methinks it cannot be less than two thousand or fifteen hundred men. We had between five and six hundred men killed, wounded, or taken prisoners. Besides the prince of Saxe-Gotha, we had a lieutenant-colonel of the Hessians, a major of the Palatines, with several captains and under-officers killed; general Eselt, a Palatine brigadier, with several under-officers, wounded; a Piedmontese, and a Saxe-Gotha colonel, taken prisoners, with one or two captains; besides which, we lost two small field-pieces, which our gunner had forgot to carry off from the post of St. Catharine. At night we began to bombard the town with six mortars, which immediately set fire in two places. This evening the fort St. Margarete, the outermost near to the sea, surrendered at discretion. The garrison was composed of a lieutenant-colonel, and three other officers, with one hundred and thirty soldiers. We found in the place some provisions, and fourteen pieces of iron cannon, four of which were forty-eight pounders. By the reddition of this castle our ships can come near the shore, and the artillery, &c. which was landed at Hieres, may be reembarked here with much more ease, which was ordered to be done

1707.
Oct. 4.
N. S.

unprovided, and which surrendered to him at discretion; by which means he shut up that inlet into his own dominions, and opened himself a free passage into Dauphinè.

Thus

to-morrow, the siege of Toulon not being practicable, because of the reinforcements the enemies have received since we are here, and by reason of the works they have had time to make. The 16th our batteries on the left continued to play against the town and ships, as also against fort Louis, where the breach is near made. Our bombardiers flung several bombs last night, and all this day, into the town with very good success; but no ship has yet been touched, as we know of. We continue to embark our artillery, &c. The admiral commanded ships to attack fort Louis, but the wind was so strong, that our ships could do little service. However they lay so near, that one of our ships had thirty men killed or wounded. This day the wind blew so hard, that the Royal Anne lost one of her masts, was drove from her anchor, and ran foul upon a Dutch man of war, who was somewhat damaged. The 17th drummers and trumpeters were sent to and from Toulon, to enquire after several officers and soldiers; and the enemies did desire to exchange their prisoners made at St. Margarete, to which his royal highness and prince Eugene do consent. The 18th the greatest part of the artillery, which is not on batteries, and almost all the powder, balls, &c. are re-embarked. Our bombs destroy the town of Toulon very much; but none have yet

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been flung into the basin among the ships. The breach of fort Louis is practicable, and orders will be given to attack it to-night. All our sick and wounded are ordered to Hieres, where they are to be embarked to be carried to Nice, Oneglia, and Final. The 19th, last night we took the fort St. Louis, the enemies having abandoned it, as our grenadiers mounted the breach. By the fall of this place, I believe our bomb-vessels may come to bombard the town and ships, which is the only hurt we can now pretend to do here.

Mr. Chetwynd likewise, in a letter to the earl of Manchester, dated August 20, writes thus: All things have been so managed with us, that I had not spirit nor courage enough to write to you, knowing how much you had the good success of our designs at heart. Our scene is not yet finished, for we are to steal away as we can, and as soon as we can. Now every thing is in the greatest confusion, and I fear will continue so till we are got on the other side of the Var.

Sir Cloudesly Shovel wrote the following letter to the earl of Manchester, dated on board the Association before Toulon, August, 16, 1707.

My lord,

After all the hopes we had entertained of success in our enterprise on Toulon, the enemy, on the 14th instant, made a vigorous salley with a great number

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Thus ended the expedition into Provence, on which the eyes of all Europe were fixed, and which failed in the execution, chiefly by the emperor's means (1). England and the

1707.
Remark on the expedition into provence.

ber of troops, and attacked our works, and took great part of them, and kept them all that day, and destroyed what they had possession of, and drew off four or five of our cannon into the Town. The killed and wounded on our side is said to be about one thousand, and among the slain is the prince of Saxe-Gotha; and since that time it has not been thought proper to carry on the siege; the enemies, as our army say, growing every day more numerous, and our troops continually deserting. And the 6th his royal highness the duke of Savoy sent to me to embark the sick and wounded, and to take off the cannon, mortars, ammunition, provisions, &c. in order to raise the siege, which is now only a cannonading and bombardment, and we are getting every thing a-board, his royal highness having informed me, he designs to decamp with the army to-morrow morning. Before the enemies had made this sally, and destroyed our works, they were so frightened, that they sunk twenty of their ships; ten of them or more we reckon to be three-deck-ships; and we believe some of them can never be recovered. The duke has desired me to accompany him back with the fleet, which I design to do as far as the Var.

P. S. August $\frac{11}{12}$, about ten in the morning.

Our sea-bombs last night fired very briskly, and beyond any

expectation about midnight set the town on fire, which burnt very furiously all night, and is not yet extinguished, and, in the opinion of every body here, it is somewhat more than dwelling houses, that are on fire, we suppose store-houses. We cannot see the town or basin by reason of a hill between us. Our army being decamped, they have brought guns and mortars against our bomb vessels, and have obliged them to come off, being pretty much shattered by the enemy's shot.

Mr. Chetwynd concludes his account of the siege in a letter to the earl of Manchester, dated from the camp at Sealim, September 16, 1707, with these words:

The difficulties we met with at Toulon were very great, but they were made much more so by the indolence and ill-will of some of our generals. If we had pushed upon our arrival, there was a very great probability of success; but, as things went, it was almost impracticable to do any good three or four days after our arrival; and I do not know the reasons, why we did not then set to bombarding the town and ships, instead of amusing ourselves about what we were sure could do us no good.

(1) Dr. Swift, in his conduct of the allies and of the late ministry, p. 27. fifth edition, asserts,

1707. the States-General performed all that was expected of them; nor was the duke of Savoy wanting on his part, though many suspected him as backward, or at least cold in the undertaking. But though this great design failed in the

facts, That one instance of the emperor's indifference, or rather dislike of the common cause, was the business of Toulon; his design, says he, was indeed discovered here at home by a person, who every body knows to be the creature of a certain great man, at least as much noted for his skill in gaming as in politics, upon the base mercenary end of getting money by wagers, which was then so common a practice, that I remember a gentleman in employment, who, having the curiosity to enquire how wagers went upon the Exchange, found some people deep in the secret, to have been concerned in that kind of traffic, as appeared by premiums named for towns, which no body but those behind the curtain could suspect. However, although this project had gotten wind by so scandalous a proceeding, yet Toulon might probably have been taken, if the emperor had not thought fit, in that very juncture, to detach twelve or fifteen thousand men to seize Naples, as an enterprize that was more his private and immediate interest. But it was manifest, that his imperial majesty had no mind to see Toulon in possession of the allies; for even with these discouragements, the attempt might have yet succeeded, if prince Eugene had not thought fit to oppose it, which cannot be imputed to his own judgment, but to some politic reasons of his court. The duke of Savoy was for attacking the enemy as soon as our

army arrived; but, when the marshal de Thessé's troops were all come up, to pretend to besiege the place, in the condition we were at that time, was a farce and a jest. Had Toulon fallen then into our hands, the maritime power of France would in a great measure have been destroyed.

But Dr. Hare, in his piece, intitled, *The Allies and the late ministry defended against France*, and the present friends of France, part III. p. 13. gives a particular answer to this passage of Dr. Swift, and observes, That every proposition advanced by him is false in whole, or in part. First, he tells us the design was discovered here by a creature of a certain great man laying wagers about the taking of it. This is a very odd preamble to a proof, that Toulon was lost by the emperor's fault, to tell us, that probably it was not; the design was discovered here. But these inconsistencies are nothing with this writer, if he can but bring in one or two certain great men, whose reputation stands cruelly in his way, and will do so, let him employ never so many pens to blacken them. Now, in answer to this, I affirm, that this design was not discovered by the creature of this great man, but by the clerk of another great man, who was then secretary of state. But to go on; our author argues, that the emperor had no mind Toulon should be taken, be-
cause

the main point, it proved of great service to the allies, and was attended with many good consequences, which, perhaps, ought to balance the expence: For, besides the great damage, which the French sustained in their shipping; the blowing

cause he detached twelve thousand men to seize Naples, as he ingeniously expresses it. That the emperor did, at that time, make an expedition to Naples, is true; but was it, because he had no mind Toulon should be taken? No, it was because those who would make a scandalous peace now, were attempting the same thing then; and he was afraid, the interest of his family in Italy would have been sacrificed to other views. This was the true reason of that expedition, and this writer knows it was, which makes his virulence and malice the more unpardonable. As things were managed, it is plain, there was a want of troops. But, when the emperor was pressed to put off that expedition, he did not want an answer. He told them, that without those twelve thousand men, they had as many, as they had before desired; and indeed as many, as would be able to find subsistence, and that more would be but a burden to them. That, while they were employed in the reduction of Toulon, the other troops should, by great marches, hasten to Naples, and then return to join them for any further services. But, it is manifest, says our author, that the emperor had no mind we should take Toulon, because the attempt might have succeeded, if prince Eugene had not thought fit to oppose it. This is false again. The duke

of Savoy had the chief command in that expedition, and not prince Eugene. What was the true reason they delayed so long the beginning of that march, I cannot pretend to say, but, when they had passed the Var, I desire this author would tell us, who it was, that proposed the holding a council of war on board the fleet, and did hold one, to consider, whether they should proceed directly to Toulon, or besiege Antibes? A man must be a very ill judge in affairs, that could not from that step see, what was likely to come of the expedition. Again, to clear up this affair, I would fain know, who governed the motions of the army, till they came before the place; for it is incredible, how so small an army could be so many days making so short a march. And, if they had advanced with half the speed that they retired, it is certain they might have invested the place, before the works the enemy were making would have been finished, and before any considerable number of the enemy's troops were arrived. But the slowness of our motions made our arrival too late in both these respects. And the enemy's troops were in possession of the high ground about the place, before we came in sight of it. And therefore, if the duke of Savoy did not seem willing to attack the enemy, that is not very

1707.

blowing up of several magazines; the burning of above one hundred and sixty houses in Toulon; and the devastations committed in Provence by both armies, to the value of thirty millions of French livres; this enterprize, which had struck a greater terror throughout all France, than had been known there during the whole reign of Lewis XIV. brought this further advantage to the common cause, that it gave great diversion to the enemy's forces, whereby their army in Germany was weakened; the duke of Orleans's progress after the battle of Almanza retarded in Spain; the succouring of Naples prevented; and the conquests of the allies in Italy secured.

Admiral

very hard to account for; nor might it be any fault in prince Eugene, that he did not think it reasonable. But, besides, there was particular reason at that time to think, the prince might have strict orders from Vienna, to be very cautious how he exposed that body of troops; and that was the neighbourhood of the king of Sweden, who was pleased to pick many quarrels with the emperor; and no body could tell where his demands would stop, or what would satisfy him. This gave very great umbrage to the imperial court; and, had they lost that body of troops before Toulon, they had reason to fear they should soon feel the want of them. This was certainly a good reason for not venturing a battle to disadvantage, where the least misfortune would have been the ruin of them all. But, had that expedition either begun ten days sooner, or the march from the Var had been made in less time, the design would have succeeded without the hazard of a battle. There is more might be said upon this subject; but I am not in so much haste to discover

some truths, as our author is to tell the most pernicious lies. Upon this instance then I must observe, 1. That the expedition to Naples was not the effect of any disregard to the allies, but of self-preservation. 2. That prince Eugene's declining a battle was not the cause of our ill success against Toulon. 3. That it is no way chargeable on the late ministry, who formed the design with the greatest secrecy, and made the most effectual preparations for it, and did all they could to put off the expedition to Naples, and remove every difficulty, that might hinder the success of it. And, lastly, That it was not discovered first by any creature of the late ministry, nor had France any suspicion, till the expedition was actually begun, as any one may see, that will look back into the history of that affair. Dr. Hare, in the postscript to the fourth part of the allies and the late ministry defended, p. 78, 79, observes, That in the passage above-cited, where he mentions, That the design on Toulon was discovered by the clerk of a great man, who was then secretary of state,

Admiral Shovel, who was not a little chagrin'd at the miscarriage of an expedition, upon which he had set his heart; having assigned Sir Thomas Dilkes a squadron of thirteen sail for the Mediterranean service, sailed from Gibraltar with the rest of the fleet, containing fifteen men of war of the line, five of a less rank, and one yacht (a). On

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Sir
Cloudesly
Shovel
drowned.
O&C. 22.
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Europe.

state, he did not mean Gregg, who was afterwards hanged, but another person then alive; nor did he mean a direct discovery made to France, but such a one, as was occasioned by laying wagers; a folly, which the person hinted at has paid dearly for.

A late writer pretends to have discovered the secret springs of raising the siege of Toulon, and the peaceable retreat of the duke of Savoy's army. France (says he) perceiving the loss of Toulon would be a mortal blow, ordered Buzenval (her minister to the king of Sweden, then in Saxony) to try to engage that victorious prince to declare against the emperor. Count Monasterols, the Bavarian minister, had the same orders. These two ministers gained count Piper, who had a great ascendant over his master. The king of Sweden, who had given repeated assurances not to undertake any thing against the allies, was very much embarrassed. He sought a quarrel with the emperor, and to that end made exorbitant demands, accompanied with threatnings to invade Silesia and Bohemia. The emperor laid the storm by agreeing to all his demands. Whilst the treaty was negotiating, the siege of Toulon was undertaken. The king of Sweden, who wished to hinder the loss of that place, caused it to

be insinuated with great secrecy to the duke of Savoy, not to persist in the siege of Toulon, because, if it was taken, he should be obliged to invade the emperor's hereditary dominions. The duke of Savoy, who had a great penetration and foresight, reflected, that the king of Sweden was steadfast in his resolutions, and that his successes had given him that steadfastness; that, after all, the matter was only the taking of a town, which perhaps it would be difficult to keep, and would be demolished. These weighty considerations induced the duke, by an unparallel'd generosity, to prefer the interests of the common cause to the advantage of taking Toulon. Hence the secret reason of raising the siege. This circumstance is said to be warranted by the duke himself, who was pleased to declare it to some persons of distinction. French continuation of Rapin, Vol. II. 172.

(a) Namely, the Association, admiral.

The Royal Anne, Sir George Byng, commander.
St. George, lord Dursley.
Somerset, captain John Price.
Torbay, Sir John Norris.
Eagle, captain Hancock.
Monmouth, captain Baker.
Swiftsure, captain Hubbard.
Orford, captain Cornwall.
Rye, captain Vernon.
Lenox, Sir William Jumper.

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the 22d of October, he had ninety fathom water in the Soundings, and brought the fleet to, and lay by from twelve till about six in the afternoon, the weather being hazy; but then, the wind coming up fresh at south south-west, he made the signal for sailing. The fleet steered east by north, supposing they had the channel open, when some of the ships were upon the rocks to the westward of Scilly, before they were aware, about eight of the clock at night, and made a signal of distress. The Association, in which Sir Cloudesly was, struck upon the rocks, called, The Bishop and his Clerks, and was lost, with all the men in it; as were also the Eagle and the Romney. The Firebrand was likewise dashed on the rocks, and foundered; but the captain and four and twenty of his men saved themselves in the boat. Captain Sansom, who commanded the Phoenix, being driven on the rocks within the island, saved all his men, but was forced to run his ship ashore. The Royal Anne was saved by a great presence of mind, both in Sir George Byng, and his officers and men, who, in a minute's time, set her top-sails, one of the rocks not being a ship's length to the leeward of her, and the other, on which Sir Cloudesly Shovel was lost, as near as in a breach of the sea. Nor had the lord Dursley, commander of the St. George, a less strange escape; for his ship was dashed on the same ridge of rocks with the Association, and the same wave, which he saw beat out all Sir Cloudesly Shovel's lights, set his own ship a float. Sir Cloudesly Shovel's body being, the next day after this misfortune, taken up by some country-fellows, was stripped and buried in the sand; but, on inquiry made by the boats of the Salisbury and Antelope, it was discovered where he was hid; from whence being taken out, and brought on-board the Salisbury into Plymouth on the 28th of October, it was afterwards carried to London, and decently interred in Westminster-abbey, where a monument was erected in honour of the admiral, who was one of the greatest sea-commanders of that, or any other age; of undaunted courage and resolution, and, at the same time, eminent for his generosity, frankness, and integrity. He was the artificer of his own fortune; and, by his personal merit alone, from the lowest beginnings, raised himself to almost

His character.

La Valeur, captain Johnson.

Cruiser, captain Shales.

The Firebrand, captain Piercy.

The Vulcan, captain Hockman.

The Phoenix, captain Sansom.

The Grafton, captain Holden.

The Weasel, captain Gulman.

The Isabella yacht, captain Riddel.

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almost the highest station in the navy. He was born in the county of Suffolk, of mean parentage, and, having an early inclination to the sea, became a cabin-boy to Sir Christopher Mingo, and, improving daily by quick progresses in the knowledge of naval affairs, was soon advanced to the rank of lieutenant; and gave early proofs of his valour on the 14th of January 1673-4, when, being lieutenant to Sir John Narborough, admiral of the English fleet in the Mediterranean, he burnt in the harbour, and under the castle of Tripoli, four men of war belonging to the pirates of that place, which forced them to accept such conditions of peace, as Sir John Narborough was pleased to prescribe them. He distinguished himself in the first sea-engagement, that happened after the revolution, in Bantry-bay, on the 1st of May 1689, for which he received the honour of knighthood, being the commander of the *Edgar*. He was soon after advanced to the post of a flag-officer; and upon the breaking out of the war in 1702, he was sent, with a squadron of about twenty men of war, to join the grand fleet, and bring home the galleons, and other rich booty, taken by the duke of Ormond and Sir George Rooke at *Vigo*. The next year he was appointed to command in chief the confederate fleet designed for the Straits, consisting of thirty-five English, and fourteen Dutch men of war; and, being come into *Leghorn-road*, maintained the honour of the English union-flag, and forced the governor of that city to give him a royal salute, which he had at first refused. In that expedition, Sir Cloudesly endeavoured to supply the *Cevennois* with money, arms, and ammunition; but, for want of intelligence, the *Cevennois* not coming to the sea-shore, the admiral expressed a great concern, that he could not relieve them, having been always zealous for liberty and the protestant religion. In June 1704, he joined the grand fleet, commanded by Sir George Rooke in the Mediterranean, had his share in the honour of taking *Gibraltar*, and by his bravery and admirable conduct in the sea-fight, that happened soon after, obliged the enemy's van to bear away out of the reach of his cannon; and, though but the second in command, yet he got the principal honour of the day, and contributed most to the preservation of the confederate fleet. For this signal piece of service, he was, some months after, appointed rear-admiral of England, and admiral and commander in chief of her majesty's fleet, in conjunction with the earl of Peterborough. In 1706, he commanded the whole confederate fleet, which had on-board

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ten thousand men, under the command of earl Rivers, designed for a descent upon France; but, being detained by contrary winds in Torbay, till the 1st of October, the admiral, according to his new orders, sailed for Lisbon, and from thence to Alicant, where having set on-shore the land-forces, he returned to Lisbon, to prepare for a greater expedition in the year 1707; and, accordingly, in the latter end of June that year, he cast anchor in the road of Nice, where he nobly entertained the duke of Savoy, prince Eugene, and the English and Dutch ministers on-board his ship, and with them concerted measures for the attack of Toulon; and had the satisfaction of seeing eight of the enemy's capital ships burnt and destroyed.

Affairs at
sea.

France set out no fleet this year, and yet the British nation never had greater losses on that element. The prince of Denmark's council was very unhappy in the whole conduct of the cruizers and convoys. The merchants made heavy complaints, and not without reason. Convoys was sometimes denied them; and, when they were granted, they were often delayed beyond the time limited for the merchants to get their ships in readiness; and the sailing orders was sometimes sent them so unhappily (but, as many said, so treacherously) that a French squadron was then lying in their way to intercept them. This was liable to very severe reflections; for many of the convoys, as well as the merchant-ships, were taken.

Under-
down's
expedi-
tion in
the West-
Indies.

However, about this time, an account was brought of the success of captain Underdown, commander of the Falkland, in his expedition against the French fisheries in the North of America, in which the French sustained the following damage: two ships taken, one of thirty guns, and an hundred men; one ship taken and burnt, of twenty guns, and eighty men; two ships burnt by the enemy, one of thirty-two, and another of twenty-six guns; two hundred and twenty-eight fishing boats burnt; four hundred and seventy boats and sloops, that were not employed in the fishery this season; twenty-three stages, and twenty-three train-fats burnt; seventy-seven thousand two hundred and eighty quintals of fish; and one thousand five hundred and sixty-eight hogheads of train-oil destroyed. But all this was too inconsiderable, to alleviate the loss of the men and ships that perished with Sir Cloudesly Shovel.

This year there was carried on a negotiation, in which the allies were greatly concerned, and in which the queen of Great-Britain, in particular, made not the least figure.

The

The duchess of Nemours, princess of Neufchatel and Valengin, dying at Paris on the 16th of June, N. S. no less than thirteen competitors laid claim to that sovereignty.

Among these competitors, were the king of Prussia, and several of the French nation, of whom the prince of Conti was the chief (a). Upon news of the duchess's death (in whom the house of Longueville ended) the prince of Conti, and some other of the French competitors, repaired to Neufchatel; and others sent their ministers and agents thither, to prosecute their respective claims.

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The king of Prussia adjudged prince of Neufchatel. Hist. of Europe. Burnet.
A Lamberti.

(a) The competitors were:

1. The king of Prussia, as heir to the house of Orange, and consequently to that of Châlons. 2. The marquis of Mailly, in the name of his lady, who stiled herself princess of Orange, and pretended to be heiress of the house of Châlons. 3. The prince of Baden Durlach, by virtue of an agreement, made in the year 1490, between the families of Hochberg-Neufchatel and Hochberg-Baden. 4. The prince of Conti, as universal heir to the late duke of Longueville. 5. The chevalier de Soissons's relict, who stiled herself princess of Neufchatel, by virtue of a deed of gift, made by the late duchess of Nemours, of that principality to the said chevalier, although she could not be ignorant of the decree of the three estates, dated March the 8th, 1694, whereby they declared the said deed and gift void and illegal, and acknowledged the said duchess of Nemours, merely as the only sister, and the next heir to the late duke of Longueville. 6. The prince of Carignan, as nephew, on the mother's side, to the late duchess of Nemours; but, this sovereignty being devolved to her by the right of her father,

the count of Matignon, and the duchess of Lesdiguières, who set up the seventh and eighth candidates, objected, that being heirs by right of consanguinity, viz. the first, nephew to the duchess of Nemours, in the third degree, and the duchess in the fourth, the said count pretended, that the principality ought to be adjudged to him, as the next heir, tho' of a later descent; and, on the other hand, the duchess de Lesdiguières contended, that the lineal succession being to take place, the principality ought to be conferred on her by right of primogeniture, as being descended from the eldest. 9. The count of Montbelliard. 10. The baron of Montjoy, as a descendant of the house of Châlons. 11. The prince of Furstenburgh, by titles, which he could not produce. 12. The marquis d'Allegre, in the right of his lady, as descended from the house of Châlons. 13. The Swiss canton of Ury claimed the city and county of Neufchatel, because when that state, which formerly belonged to the thirteen cantons of Switzerland, was yielded by twelve of them, the canton of Ury refused to subscribe the deed of resignation.

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A letter from the marquis de Torcy, secretary of state in France, wherein he threatened the French king's resentment towards the inhabitants of Neufchatel, if they admitted a stranger in competition with his subjects, having been industriously spread among the people, and other artifices used, to induce them to make choice of a Frenchman; count Metternich, the Prussian ambassador, acquainted the magistracy, that the king, his master, would be supported by the whole confederacy in the justice of his pretensions. Accordingly, Mr. Abraham Stanyan, the queen of Great-Britain's envoy-extraordinary to the protestant cantons, in a memorial to the magistrates of Bern, recommended his Prussian majesty's right, and repaired to Neufchatel. The day after his arrival, he delivered by his secretary two letters from the queen; in the first of which, directed to the governor and counsellors of state of the sovereignty of Neufchatel and Valangin, she said, "That, having been informed of the death of the duchess of Nemours, her majesty thought there was an indispensable obligation incumbent upon her to write to them in favour of his Prussian majesty, that, by virtue of his right to the city and country of Neufchatel, both by hereditary title, and by the cession of the late king of Great-Britain, William the third, her brother, they would acknowledge and admit him for their lawful sovereign. That she hoped they would do it the more readily, not only because that prince was united with them by the sacred bond of the reformed religion, which both he and they equally professed; but also because he had hitherto shewn the same care and affection for their interests, which he ever expressed for the good and advantage of his own good subjects. Wherefore her majesty did not doubt, that, being mindful of their country's welfare, and endowed with so much prudence as they were, they would carefully avoid chusing for their prince a person, who being a subject, and intirely devoted to the government of France, ought, for that reason, to be as suspected to them, as he would be to her majesty, and to all her other allies: which persuaded her at the same time, that, without any delay, they would grant his Prussian majesty's just demand; and, as the same would give her majesty a singular satisfaction, so, on her part, she would ever be disposed to shew them the effects of her friendship." The queen's letter to the Ministraux and counsellors of Neufchatel, was much to the same purpose; and the secretary presented at

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the same time to the council of state, a memorial in behalf of the king of Prussia. Not long after Mr. Runckell, envoy from the States-general, arrived at Neufchatel, with instructions to join with Mr. Stanyan in all proper measures to assist count Metternich; and a letter from the king of Sweden to the Canton of Bern, in favour of the king of Prussia, added no small weight to the interposition of Great-Britain and Holland.

The allies looked on this as a matter of great consequence; since it might end in a rupture between the protestant cantons and France, for the popish cantons were now wholly theirs. After much pleading and a long debate, the states of the principality gave judgment in favour of the king of Prussia, to whom the investiture of Neufchatel was solemnly granted on the 3d of November, N. S. The French competitors protested against this, and left the place in high discontent: The French ambassador threatened that little state with an invasion, and all commerce with them was forbid. The canton of Bern espoused their concern with a spirit and a zeal, which was not expected from them, and declaring, they were in a comburghership with them, came to an unanimous resolution, to defend the principality of Neufchatel with all their forces; pursuant to which resolution, they sent, a few days after, four thousand five hundred of their men to the frontiers of Neufchatel. The French continued to threaten, and marshal de Villars had orders to march a great part of his army towards them. But, when the court of France saw, that the cantons of Bern and Zurich were not terrified by those marches, they let the whole matter fall, very little to their honour; and so the intercourse between the French dominions and that state was again opened, and the peace of the cantons was secured. The king of Prussia engaged his honour, that he would govern that state with a particular zeal for advancing both religion and learning in it; and upon these assurances he persuaded the bishops of England, and the bishop of Sarum in particular, to use their best endeavours to promote his pretensions; upon which they wrote, in the most effectual manner they could, to monsieur Ostervald, who was the most eminent ecclesiastic of that state, and one of the best and most judicious divines of the age. He was bringing that church to a near agreement with the forms of worship in the church of England. The king of Prussia was well disposed in all matters of religion, and had made a great step. in order to reconcile the Lutherans and the Calvinists

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vinists in his dominions, by requiring them not to preach to the people on those points, in which they differed, and by obliging them to communicate together, notwithstanding the diversity of their opinions; which was indeed the only wise and honest way of making up their breach.

The protestant cantons of Switzerland observing the zeal, which the king of Sweden shewed in favour of their religion, in supporting the pretensions of the king of Prussia to the principality of Neufchatel, by his letter to the king of France, as well as to the cantons, sent to him a French gentleman of quality, the marquis de Rochegude, to let him know, what regard they had to his recommendations, and to desire him to interpose his good offices with the French king, for setting at liberty about three hundred persons, who were condemned to the galleys, and treated most cruelly in them, upon no other pretence, but because they would not change their religion, and had endeavoured to make their escape out of France. The king of Sweden received this message with a particular civility, and immediately complied with it; ordering his minister at the court of France, to make it his desire to that king, that these confessors might be delivered to him. But the ministers of France said, That was a point of the king's government at home, in which he could not suffer foreign princes to meddle. The king of Sweden seemed sensible of this neglect; and it was hoped, that, when his affairs would admit of it, he would express a due resentment of it.

Marriages
of the
kings of
Spain and
Portugal.

Whilst the house of Austria was struggling this year with great difficulties, two pieces of pomp and magnificence consumed a great part of their treasure. An embassy was sent from Lisbon to demand the emperor's sister for that king, which was done with an unusual and extravagant expence. A wife was to be sought for king Charles among the protestant courts, for there was not a suitable match in the popish. He had seen the princess of Anspach, and was much pleased with her; so that great applications were made to persuade her to change her religion; but she could not be prevailed on to buy a crown at so dear a rate; and, soon after she was married to the electoral prince of Brunswick, and her firmness to the protestant religion rewarded with the crown of Great-Britain. The princess of Wolfenbuttle was not so firm; she was brought therefore to Vienna, and some time after married by proxy to king Charles, and sent to Italy in her way to Spain. The solemnity, with which these matters were managed, amidst

all the distress of the Austrian affairs, consumed a vast deal of treasure; but such was the pride of those courts on such occasions, that, rather than fail in a point of splendor, they would let their most important affairs go to wreck. That princess was landed at Barcelona; and the queen of Portugal, the same year, came to Holland, to be carried to Lisbon by a squadron of the English fleet (1).

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Before the opening of the campaign this year in Flanders, a very extraordinary attempt was made by a partizan in the imperial army for carrying off the Dauphin, or some other prince of the blood of France, which very narrowly missed of success. This man's name was Queintem; he had served the prince of Conti, as a valet de chambre, when he went to Hungary; he afterwards became one of the elector of Bavaria's band of music, and then his huntsman. Some of the princes of Germany used to have a great number of those huntsmen, whom in time they incorporated into their troops. This man going over to the Imperialists, served as a partizan, and was honoured with a brevet as a colonel, for some good services he had performed. This animated him to do still greater things; and, the alterations produced by the battle of Ramillies making it no difficult matter to get from Flanders into France, he formed a project of carrying off some prince of the blood from the road between Versailles and Paris; and, it was generally believed, that his view was particularly upon the Dauphin. In order to effect this, he made choice of sixteen officers and fourteen dragoons, all enterprising men, and of great resolution.

An at-
tempt to
carry off
the Dau-
phin.
Mil. Hist.

G g 2

(1) The city of Hamburg was this year thrown into great confusion by a contest, which arose between some private persons, one of whom was a Lutheran minister, and gave occasion to a division there. One side was protected by the senate, which so highly disgusted the other, that it was like to end in a revolt against the magistrates, and a civil war within the city; and it being known, that the king of Denmark had, for many years, an eye on that place, the neighbouring princes apprehended,

that he might take advantage from those commotions, or that the weaker side might chuse rather to fall under his power, than under the revenge of the adverse party. The kings of Sweden and Prussia, with the house of Brunswick, resolved therefore to send troops thither, to quiet this distraction, and to chastise the more refractory; while the emperor's ministers, together with the queen's, endeavoured to accommodate matters, without suffering them to run to extremities.

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tion. He procured three passports, each for ten men; and having given them to persons whom he could trust, he divided his troop into three small corps, each of which entered France by a different route, joining in the neighbourhood of Paris. The two commanders of his small squadrons were directed by him, that ten should post themselves in the wood of Chantilli, ten at St. Oüen, and the other ten at Seve, on the road from Paris to Versailles; these last, to prevent discovery, were lodged in different public houses. One of them, who was a lieutenant, went frequently to Paris, where he sold two English horses. He walked from time to time in the street of Seve, and on the bridge, that crosses the Seine there. He one day met the duke of Orleans, but it happened to be too light for him to undertake any thing. Two days after, the dauphin and the princesses passed him, going to hunt in the wood of Boulogne; but they were too well attended for the partizan to hope any thing from an attack. At last, on the 24th of March, he, who was centinel, perceiving monsieur de Berrington, first equerry to the king, in a coach and six, with the king's liveries, with a few attendants, it being but half an hour past seven in the evening, took him for some prince of the blood, and immediately made a signal for the nine others, who passed the bridge. As for the centinel, those, who guarded the bridge, seeing him cross it three or four times in a hurry, at last threw down the barrier, stopped him, and gave notice to the grand provost. In the mean time, his nine companions, among whom was the partizan Queintem, stopped the coach, and put out the flambeaux; and then the partizan taking monsieur le Premier (so in France they style the king's first equerry) by the sleeve, told him, that they arrested him by the king's order. Monsieur le Premier answered, that he just came from his majesty; that he would be glad to know who he (the partizan) was, and whether he had not some officer with him, to whom he might speak. The partizan, without making him any answer, obliged him to get out of the coach, and mount a spare horse, which one of the servants rid. Monsieur le Premier's valet de chambre would have followed him, had not one of the soldiers threatened to shoot him, upon which his master bid him go back; but he desired, that he might have his cloak; upon which one of the men took it from his servant, and threw it upon his shoulders. He, who was stopped at Seve, was their guide; and his loss proved a great misfortune to them, because it retarded them very much

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much in their journey. They turned by the walls of the wood of Boulogne, from whence they went to St. Oüen, where they had left a post-chaise, with the ten men above-mentioned; but, as they did not know the roads perfectly, they lost a good deal of time in getting to that place. Monsieur le Premier's valet de chambre soon carried the news of his master's misfortune to Versailles, so that the king heard of it by nine o'clock, and sent an order to monsieur Chamillard to dispatch couriers immediately to the intendents to stop all the passages. He sent likewise an exempt with twenty life-guards to follow the partizan. Monsieur d'Epines and all the other equerries mounted and rode, some towards Normandy, some towards Flanders, and others towards Germany. They learned, that, monsieur le Premier finding himself much out of order, the Partizan made a halt for three hours to give him time to rest, and had even cut and lowered the back of the chaise, which hindered its going, that his prisoner might be the less incommoded. The guards and equerries rode so fast, and spread intelligence so quick, that the partizan, as he got out of the forest of Chantilli, heard the alarum-bell ring in all the villages; upon which he began to doubt of the success of his expedition: However, he went on boldly and undiscovered as far as Ham, where he was discovered by a quarter-master, who rode up to him, and clapped a pistol to his throat. The partizan, finding himself surrounded on all sides, was obliged to surrender. Monsieur le Premier immediately cried out, That he had been extremely well used, and desired, that the man might not be hurt. He kept him that night to supper with him, carried him on his parole back to Versailles, and lodged him there in his own apartments. Madam de Beringhen, who happened to be gone before her husband in another coach, made the partizan a very considerable present for the civilities which he had shewn monsieur le Premier. It is certain, that nothing but his condescension in stopping those three hours hindered him from getting clear off, since, at the place where he was stopped, he was within three hours march of a place of safety; and on this account it was, that he and his companions were discharged.

This was the state of our affairs abroad, both by sea and land. During these transactions, a parliament was held at fairs of Dublin by the earl of Pembroke, who was appointed lord-lieutenant of Ireland. At the opening of the session, on 7th July, he made a speech, wherein, among other things,

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he said, "That the queen, considering the number of papists in Ireland, would be glad of any expedient for the strengthening the interest of her protestant subjects. That, the public service requiring that several regiments should be sent abroad, the queen intended to supply the like number of forces, for the security of that kingdom; and he did not doubt, but they would provide supplies for them, as well as for defraying the expence of the government (1)."

Pursuant to the queen's desire, for strengthening the protestant interest, a bill was brought in by the commons, for explaining an act to prevent the farther growth of popery, and it was resolved, I. That any protestant guardian, that permits a papist to educate and dispose of his ward, does thereby betray the trust reposed in him, evade the law, and propagate popery. II. That any papist, who shall take upon him to manage and dispose of the substance and person of any infant committed to a protestant guardian, is guilty of a notorious breach of the law. III. That altering a protestant guardian duly appointed, without sufficient reason, is a discouragement to the execution of the act against the further growth of popery. However, when the committee had gone through the bill, and agreed to every paragraph except one (by which the sons of papists that should turn protestants might be injured) the house disagreed to that, and rejected the bill. But it was unanimously resolved, that all popish priests were obliged to take the oath of abjuration by the laws in force, and that it was the indispensable duty of all judges and magistrates to put those laws in execution.

The house of commons having appointed a committee to inspect the public accounts, upon their report being read, it was resolved, I. That this kingdom had been put to excessive

(1) Both houses addressing the queen, the lords, omitted congratulating her upon the late union of England and Scotland, which she so much valued herself upon; whilst the commons not only mentioned the glory she had acquired by it, but hinted at a much more comprehensive union. To this the queen answered, 'They might be sure, nothing should be want-

ing to make the union of all her subjects as extensive as possible.' Some thought this related to a comprehension in matters of religion; but others more reasonably supposed, that, by their comprehensive union, the commons meant the uniting of Ireland as well as Scotland with England, and forming the three kingdoms into one.

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cessive charge, by means of great arrears of rent, returned by the late trustees, to be due out of the forfeited estates of this kingdom; and that most of the said arrearages returned appear to be unjust charges on the subject, and false returns, by receipts under the hand of the trustees, or their receivers, or entries in their own books. II. That an humble representation be laid before her majesty, of the great charge and pressure the kingdom lies under, by the said returns, and several other the oppressive proceedings of the late trustees.

The house also resolved, That it would greatly conduce to the relief of the poor, and the good of that kingdom, that the inhabitants should use no other than their own manufactures in their apparel, and the furniture of their houses; and all the members mutually agreed and engaged their honours to each other, that they would conform to the said resolution.

The commons having granted the necessary supplies, and the several bills they were upon being ready for the royal assent, the lord-lieutenant gave it to

An act for registering lands, deeds, &c.

An act to explain an act to prevent papists being solicitors.

An act for explaining and limiting the privileges of parliament.

An act for the more effectual preventing the taking away, and marrying children against the wills of their parents.

And several other acts public and private.

This done, the parliament was prorogued from the 29th of October to the 6th of May, and the earl of Pembroke returned to England.

During the campaign, things went in England in their ordinary channel. But the conduct, with relation to Scotland, was more unaccountable. For whereas it might have been reasonably expected, that the management of the newly-united part of this island should have been particularly taken care of, so as to give no just distaste to the Scots, nor offer an handle to those, who were still endeavouring to inflame that nation, and to increase their aversion to the union; things were, on the contrary, so ordered, as if the design had been to contrive methods to exasperate the spirits of the people there. Though the management of the Scots revenue was to fall into the lord treasurer's hands on the first of May, no care was taken to have all the commissions ready at the day, with new officers to serve in

Proceed-
ings with
regard to
Scotland.
Burnet.

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them; so that the whole trade of Scotland was stopped for almost two months for want of orders, to put it into the new course, in which it was to be carried on. Three months passed before the equivalent was sent to Scotland; and, when wines and other merchandise were imported into England from thence, seizures were every where made; and this was managed with a particular affectation of roughness. All these things heightened the prejudices, with which that nation had been possessed against the union. It was also known, that many messages passed between Scotland and France; and that there were many meetings and much consultation among the discontented party there. A great body appeared openly for the pretender, and celebrated his birth-day very publickly, both at Edinburgh, and in other places of the kingdom; and it was openly talked, that there was now an opportunity that was not to be lost, of invading the kingdom, though with a small force; and that a general concurrence from the body of that nation might be depended upon. These things were done in so public a manner, that no check being given to them, nor inquiry made after them by those who were in the government, it gave occasion to many melancholy speculations. The management from England looked like a thing concerted to heighten that distemper; and the whole conduct of the fleet afforded great cause of jealousy.

A new
party at
court.

But, to open this more clearly, it will be necessary to give an account of a new scene at court. It was observed, that Mr. Harley, who had been for some years secretary of state, had gained great credit with the queen, and began to set up for himself, and to act no more under the direction of the lord-treasurer. There was one of the bed-chamberwomen, Mrs. Abigail Hill (a), who, being nearly related

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(a) The duchess of Marlborough, in the account of her conduct, p. 177, &c. gives the following account of Mrs. Hill and her practices. She was the daughter of Mr. Hill, a merchant in London, by a sister of the duchess's father. Mr. Hill lived very well for many years, till turning projector, he brought ruin upon himself and his family. The duchess of Marlborough never knew, that

there were such people in the world, till after the princess Anne was married, and when she lived at the Cockpit; at which time an acquaintance of the duchess came to her, and said, That she believed she did not know, that she had relations, who were in want; and gave her an account of them. The duchess answered, That indeed she had never heard before of any such relations; and immediately

to the duchess of Marlborough, had been taken care of by her, together with her whole family (for they were fallen very

1707.

immediately gave out of her purse ten guineas for their present relief, saying, she would do what she could for them; and afterwards sent Mrs. Hill more money, and saw her.

Mrs. Hill told the duchess, that her husband was in the same relation to Mr. Harley, as she was to the duchess, but that he had never done any thing for her. Mr. Hill and his wife died not long after this, and left two sons and two daughters. The elder daughter (afterwards Mrs. Masham) was a grown woman. The duchess took her to St. Albans, where she lived with her grace and her children, and was treated by her grace with as great kindness, as if she had been her sister. After some time a bedchamber-woman of the princess of Denmark's died; and, as in that reign (after the princesses were grown up) rockers though not gentlewomen, had been advanced to be bedchamber-women, the duchess procured the vacant place for Mrs. Hill, whose younger sister she likewise took care of, and got to be made laundress to the duke of Gloucester, and afterwards obtained a pension for her of two hundred pounds a year. The elder brother was, at the duchess's request, put into a place at the Custom-house; the younger, whom the bottle-men, says the duchess, afterwards called Honest Jack Hill, was a tall boy, whom I clothed (for he was all in rags) put to school at St. Albans to one Mr. James, who had been an usher under Dr. Busby of Westminster;

and, whenever I went to St. Albans, I sent for him, and was as kind to him, as if he had been my own child. After he had learned what he could there, a vacancy happening of page of honour to the prince of Denmark, his highness was pleased, at my request, to take him. I afterwards got my lord Marlborough to make him groom of the bedchamber to the duke of Gloucester; and tho' my lord always said, that Jack Hill was good for nothing, yet, to oblige me, he made him his aid-de-camp, and afterwards gave him a regiment. But it was his sister's interest, that raised him to be a general, and to command in that ever-memorable expedition to Quebec. I had no share in doing him these honours. To finish what I have to say upon this subject; when Mr. Harley thought it useful to attack the duke of Marlborough in parliament, this Quebec-general, this honest Jack Hill, this once ragged boy, whom I clothed, happening to be sick in bed, was nevertheless persuaded by his sister to get up, wrap himself in warmer clothes than those I had given him, and go to the house to vote against the duke. I may add here, that even the husband of Mrs. Masham had several obligations to me. It was at my instance, that he was first made a page, then a query, and afterwards groom of the bedchamber to the prince; for all which he himself thanked me, as for favours procured by my means,

As

1707. very low) in a most particular manner. She brought her
 { not only into that post, but had treated her with such a confidence,

As for Mrs. Masham herself, I had so much kindness for her, and had done so much to oblige her, without having ever done any thing to offend her, that it was too long before I could bring myself to think her other than a true friend, or forbear rejoicing at an instance of favour shewn her by the queen. I observed indeed at length, that she was grown more shy of coming to me, and more reserved than usual, when she was with me; but I imputed this to her peculiar moroseness of temper, and for some time made no other reflection upon it. The first thing which led me into inquiries about her conduct, was the being told, in the summer of 1707, that my cousin Hill was privately married to Mr. Masham. I went to her, and asked her, if it were true. She owned it was, and begged my pardon for having concealed it from me. As much reason as I had to take ill this reserve in her behaviour, I was willing to impute it to bashfulness and want of breeding, rather than to any thing worse. I embraced her with my usual tenderness, and very heartily wished her joy; and then, turning the discourse, entered into her concerns in as friendly a manner as possible, contriving how to accommodate her with lodgings, by removing her sister into some of my own. I then inquired of her very kindly, whether the queen knew of her marriage, and very innocently

offered her my service, if she needed it, to make that matter easy. She had by this time learned the art of dissimulation pretty well, and answered with an air of unconcernedness, that the bedchamber-woman had already acquainted the queen with it, hoping, by this answer, to divert any further examination into the matter. But I went presently to the queen, and asked her, Why she had not been so kind as to tell me of my cousin's marriage, expostulating with her upon the point, and putting her in mind of what she used often to say to me out of Montaigne, That it was no breach of promise of secrecy to tell such a friend any thing, because it was no more than telling it to one's self. All the answer I could obtain from her majesty was this, I have a hundred times bid Masham tell it you, and she would not.

The conduct both of the queen and of Mrs. Masham convinced me, that there was some mystery in the affair; and thereupon I set myself to inquire as particularly as I could into it; and, in less than a week's time, I discovered, That my cousin was become an absolute favourite; that the queen herself was present at her marriage in Dr. Arbuthnot's lodgings, at which time her majesty had called for a round sum out of the privy-purse; that Mrs. Masham came often to the queen, when the prince was asleep, and was generally two hours every day in private with her: and I likewise

thence

fidence, that it had introduced her into a high degree of favour with the queen; which, for some years, was considered 1707.
as

then discovered Mr. Harley's correspondence and interest at court by means of this woman.

I was struck with astonishment at such an instance of ingratitude, and should not have believed it, if there had been any room left for doubting.

My lord Marlborough was at first no less incredulous than I, as appears from the following paragraph of a letter from him, in answer to one from me on this subject.

Meldest, June 3, 1707.

'The wisest thing is to have to do with as few people as possible. If you are sure that Mrs. Masham speaks of business to the queen, I should think you might, with some caution, tell her of it, which would do good; for she certainly must be grateful, and will mind what you say.'

It became easy now to decypher many particulars, which had hitherto remained mysterious; and my reflections quickly brought to my mind many passages, which had seemed odd and unaccountable, but had left no impressions of suspicion or jealousy. Particularly I remembered, that a long while before this, being with the queen (to whom I had gone very privately by a secret passage from my lodgings to the bedchamber) on a sudden this woman, not knowing I was there, came in with the boldest and gayest air possible; but, upon sight of me, stopped, and immediately changing her manner, and making a most solemn courtesy, Did your majesty ring? and

then went out again. This singular behaviour needed no interpreter now to make it understood. But, not to dwell on such trifling incidents, as soon as I had got a thorough insight into her management, being naturally frank and open, I wrote to her the following letter:

September 23, 1707.

Since the conversation I had with you at your lodgings, several things have happened to confirm me in what I was hard to believe, that you have made me returns very unsuitable to what I might have expected. I always speak my mind so plainly, that I should have told you so myself, if I had had the opportunity which I hoped for. But, being now so near parting, think this way of letting you know it, is like to be the least uneasy to you, as well as to

Your humble servant,
S. MARLBOROUGH.

Though I was to go to Woodstock the next day, I staid at Windsor almost all the morning to wait her answer. But this could not be had so soon, it being necessary to consult with her great director in so nice a manner. At length, however, an answer was sent after me, the whole frame and stile of which shewed it to be the genuine product of an artful man, who knew perfectly well the management of such an affair.

Windsor, Sept. 24. 1707.

'While I was expecting a message from your grace, to wait

1707. as an effect of the duchess's credit with her majesty. She was also nearly related to Mr. Harley; and they two entered

wait upon you according to your commands, last night. I received a letter, which surprises me no less than it afflicts me, because it lays a most heavy charge upon me of an ungrateful behaviour to your grace. Her majesty was pleased to tell me, that you was angry with me for not acquainting you with my marriage. I did believe, after so generous a pardon, your grace would think no more of that. I am very confident, by the expression of your letter, that somebody has told some malicious lye of me to your grace, from which it is impossible for me to vindicate myself till I know the crime I am accused of. I am sure, madam, your goodness cannot deny me what the meanest may ask the greatest; I mean justice, to know my accuser. Without that, all friendship must be at the mercy of every malicious liar, as they are, who have so barbarously and unjustly brought me under your displeasure, the greatest unhappiness that could befall me. I therefore make it my most humble request to your grace, that, if ever I had the least share of your friendship, you would be pleased to give me that parting token to let me know, who this wicked person is; and then I do not doubt but I shall make it plain how much they have wronged me, as well as imposed upon your grace. As my affliction is very great, you will, I hope, in compassion let me hear from you, and believe me what I really am,

Madam,
Your grace's most humble
and faithful servant,
A. HILL.

As I believe nobody at this time doubts, whether the writer of this letter was practising with the queen to undermine me, I shall make no reflections upon it. My answer was in these terms:

'I received your letter upon the road to this place; and I can assure you the occasion of my complaints did not proceed from any ill offices that had been done you to me by any body, but from my own observation, which makes the impression much the stronger. But I think the subject is not very proper for a letter; and therefore I must defer it till we meet, and give you no farther trouble at this time from

Your most humble Servant,
S. MARLBOROUGH.

About the same time that I made this discovery of Mrs. Masham's intriguing, my lord Godolphin (as I before mentioned) got notice of Mr. Harley's practices, both within doors and without. He was endeavouring to create in the whigs jealousies of lord Godolphin and lord Marlborough; and at the same time assuring the tories, that they might depend upon the queen's inward affection to them; and that it was wholly owing to those two great lords, that the tories were not still possessed of all the places and

tered into a close correspondence. She learned the arts of a court, and observed the queen's temper with so much application, 1707.

and employments. His design was to ruin the whigs, by disuniting them from the ministry, and so to pave the way for the tories to rise again, whom he thought to unite in himself, as their head, after he had made it impossible for them to think of a reconciliation with the duke of Marlborough and lord Godolphin. But, that this able politician might in all things act suitably to his parts and genius, he, at the same time, that he was employed in the manner I have related, was endeavouring to blind the eyes of those whose destruction he aimed at, by the most elaborate compliments, and the most nauseous professions of affection and duty.

The duchess then gives several letters of Mr. Harley to the duke and herself, wherein he extolled the duke's services to his country, spoke of his glory as beyond the power of envy or malice to hurt it, and professed a peculiar joy in the contemplation of it, while, at the same time, says she, he was contriving how to ruin that glorious man, in order to raise himself upon his ruins. The duke was too backward to believe him capable of such designs, though it is certain he never had entertained the same good opinion of him, as my lord Godolphin had; and tho', as one may collect from a paragraph in a letter of Mr. Harley's, dated March 25, 1707, the duke had been early warned of his practices. The paragraph contains these words:

'I return your grace most hearty and humble thanks for the favourable expressions in your letter. I beg leave to assure you, that I serve you by inclination and principle, and a very little time will make that manifest, as well as that I have no views or aims of my own.'

The conduct which Mr. Harley observed after these assurances, was so directly contrary to them, and became quickly so notorious, that my lord Godolphin could not help representing it to the queen as of the utmost prejudice to her affairs. And when he found that her majesty would believe nothing of it, he went so far as to say, that if Mr. Harley continued to act the part he did, and yet to have so much credit with her, as he perceived he had, lord Marlborough and himself must of necessity quit her service. The queen appeared pretty much alarmed at this, and presently wrote a letter to me, in which were several expressions of great kindness.

Kensington, October 30.

'If I have not answered all my dear Mrs. Freeman's letters (as indeed I should have done) I beg she would not impute it to any thing but the apprehension I was in of saying what might add to the ill impressions she has of me. For, though I believe we are both of the same opinion in the main, I have the misfortune, that I cannot exactly agree in every thing; and therefore what

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plication, that she got far into her heart. She employed all her credit to establish Mr. Harley in the supreme confidence with

what I say is not thought to have the least colour of reason in it, which makes me really not care to enter into particulars. But, though I am unwilling to do it, it is impossible for me to help giving you some answer to your last letter, in which I find you think me insensible of every thing. I am very sorry you, who have known me so long, can give way to such a thought, as that I do not think the parting with my lord Marlborough and my lord-treasurer of much consequence, because I did not mention any thing of my lord Marlborough's kind letter concerning me. The reason of this was, I really was in a great hurry when I writ to you, and not having time to write on that subject to both, I thought it was the most necessary to endeavour to let him see he had no reason to have suspicions of any one's having power with me, besides himself and my lord-treasurer; and I hope they will believe me. Can dear Mrs. Freeman think, that I can be so stupid as not to be sensible of the great services that my lord Marlborough and my lord-treasurer have done me, nor of the great misfortune it would be, if they should quit my service? No, sure, you cannot believe me to be so void of sense and gratitude. I never did, nor never will give them any just reason to forsake me; and they have too much honour and too sincere a love for their country, to leave me without a cause. And I beg you

would not add that to my other misfortunes, of pushing 'them on to such an unjust and unjustifiable action. I think I had best say no more for fear of being too troublesome. But, whatever becomes of me, I shall always preserve a most sincere and tender passion for my dear Mrs. Freeman, to my last moment.

After my return to London, I had another kind letter from her majesty in the following terms:

Saturday night.

'My dear Mrs. Freeman, I cannot go to bed without renewing a request that I have often made, that you would banish all unkind and unjust thoughts of your poor, unfortunate, faithful Morley, which I saw by the glimpse I had of you yesterday, you were full of. Indeed I do not deserve them; and, if you could see my heart, you would find it as sincere, as tender, and passionately fond of you as ever, and as truly sensible of your kindness in telling me your mind freely upon all occasions. Nothing shall ever alter me. Though we have the misfortune to differ in some things, I will ever be the same to my dear, dear Mrs. Freeman, whom I do assure once more, I am more tenderly and sincerely her's than it is possible ever to express.'

I was every day in expectation of hearing from Mrs. Masham, who, I supposed, would now endeavour to clear up what had created so much uneasiness

with the queen, and to alienate her affections from the dukes of Marlborough, who studied no other method of preserving

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between us. But, to my great surprize, I was twelve days at St James's under the same roof with her, before I had so much as any message from her. At length, having one night passed by her window in my return home, she sent one of her maids to my woman to ask her how I did, and to let me know, that she was gone to Kensington. This behaviour was so very ridiculous, that the next time I saw the queen, I could not forbear speaking of it, and at the same time telling her all that had passed between us. The queen looked grave, and said, She was mightily in the right not to come near me. I answered, that I did not understand that, since she had expressed such a concern at my displeasure, and since the clearing up of matters had been reserved to our meeting. The queen replied, That it was very natural for her to be afraid to come to me, when she saw I was angry with her. To this I answered, That she could have no reason to be afraid, unless she knew herself guilty of some crime. It was the queen's usual way, on any occasion, where she was predetermined (as my lord Marlborough has told me, that it was her father's) to repeat over and over some principal words she had resolved to use, and to stick firmly to them. She continued therefore to say, It was very natural, and she was very much in the right. So that this conversation with her majesty's pro-

duced nothing but an undeniable proof, that the new favourite was deeply rooted in her heart and affections; and that it was thought more adviseable to let the breach between me and Mrs. Masham grow wider and wider, than to use any method to make it up.

But now within two days Mrs. Masham contrived to make me a visit, when I was abroad. Upon observing this, and considering that our meeting could be to no purpose, but to draw fruitless and false professions from her, I gave a general order to my servants to say, whenever she should call, that I was not at home. After some time it was thought proper, that she should write to me, and desire I would see her; to which I consented, and appointed her a time. When she came, I began to tell her, that it was very plain the queen was much changed towards me; and that I could not attribute this to any thing but her secret management. That I knew she had been very frequently with her majesty in private; and that the very attempt to conceal this by artifice, from such a friend as I had been to her, was alone a very ill sign, and enough to prove a very bad purpose at bottom. To this she very gravely answered, That she was sure the queen, who had loved me extremely, would always be very kind to me. It was some minutes before I could recover from the surprize, with which so extraordinary an answer

1707. serving her favour, than by pursuing the true interest of the queen and of the kingdom. It was said, that prince George was

swer struck me. To see a woman, whom I had raised out of the dust, put on such a superior air, and to hear her assure me by way of consolation, that the queen would be always very kind to me ! At length I went on to reproach her with her ingratitude, and her secret management with the queen to undermine those, who had so long, and with so much honour, served her majesty. To this she answered, That she never spoke to the queen about business, but that she sometimes gave her petitions, which came to the back-stairs, and with which she knew I did not care to be troubled. And with such insincere answers she thought to colour over the matter, while I knew for certain, she had before this obtained pensions for several of her friends, and had frequently paid to others, out of the privy-purse, sums of money, which the queen had ordered me to bring her; and that she was every day long with her majesty in private. But thus our conversation ended; and, when we had sat a while silent, she rose up and said, She hoped I would give her leave to come sometimes, and inquire after my health: which, however, it is plain she did not design to do, for she never once came near me after this. Notwithstanding this, when she owned her marriage publicly, I went with lady Sunderland to visit her; not that I intended to have any farther intercourse with her, or to

dissemble the ill opinion I had of her (as I had fully resolved to let her then know, in case I found an opportunity of speaking to her privately) but purely out of respect to the queen, and to avoid any noise or disagreeable discourse, which my refusing that ordinary part of civility might occasion.

Not many days after this, I went to pay my respects to the queen in the Christmas holidays; and, before I went in, I learnt from the page, that Mrs. Masham was just then sent for. The moment I saw her majesty, I plainly perceived she was very uneasy. She stood all the while I was with her, and looked as coldly upon me, as if her intention was, that I should no longer doubt of my loss of her affections. Upon observing what reception I had, I said, I was very sorry I had happened to come so unseasonably. I was making my courtesy to go away, when the queen, with a great deal of disorder in her face, and without speaking one word, took me by the hand; and, when thereupon I stooped to kiss her's, she took me up with a very cold embrace, and then, without one kind word, let me go. So strange a treatment of me, after my long and faithful services, and after such repeated assurances from her majesty of an unalterable affection, made me think, that I ought, in justice to myself, as well as in regard to my mistress's interest, to write to her in the plainest and

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was brought into the concert, and that he was made to apprehend, that he had too small a share in the government, and 1707.

sincerest manner possible, and expostulate with her upon her change to me, and upon the new counsels, by which she seemed to be wholly governed. My letter was in these terms:

December 27, 1707.

‘ If Mrs. Morley will be so just as to reflect and examine impartially her last reception of Mrs. Freeman, how very different from what it has been formerly, when you were glad to see her come in, and sorry when she went away; certainly you cannot wonder at her reproaches upon an embrace, that seemed to have no satisfaction in it, but that of getting rid of her, in order to enjoy the conversation of one, that has the good fortune to please you much better, though I am sure nobody did ever endeavour it with more sincerity than Mrs. Freeman had done. And if I had considered only my interest, and that of my family, I might have borne this change without any complaint. For I believe Mrs. Morley would be sincere in doing us any good. But I have once been honoured with an open kind confidence and trust, and that made all my services agreeable; and it is not possible to lose it without a mortification too great to be passed with silence, being sure, that I have never done any thing to forfeit it, having never betrayed nor abused that confidence, by giving you a false representation of any body. My temper is naturally plain and sincere, and

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Mrs. Morley did like it for many years. It is not the least altered. But I cannot help thinking those things reasonable, that appear to be so. And I appeal to God almighty, that I never designed or pursued any thing, but as I was thoroughly convinced it was for Mrs. Morley’s true interest and honour: and, I think, I may safely put it to that trial, if any thing has yet proved unsuccessful, that was of any public consequence, that Mrs. Freeman has been earnest to persuade Mrs. Morley to. And it is not possible for me to dissemble, so as to appear what I am not.

So much by way of apology for what happened upon Wednesday last. And, if Mrs. Morley has any remains of the tenderness she once professed for her faithful Freeman, I would beg she might be treated one of these two ways, either with the openness and confidence of a friend, as she was for twenty years (for to pretend kindness without trust and openness of heart, is a treatment for children, not friends) or else in that manner, that is necessary for the post she is in, which unavoidably forces her to be often troubling Mrs. Morley upon the account of others. And if she pleases to chuse which of these two ways, or any other she likes to have Mrs. Freeman live in, she promises to follow any rule that is laid down, that is possible, and is resolved to her life’s end, and, upon all occasions, to shew, that Mrs.

H h

Morley

1707.

while this was said to some whigs, Mr. Harley, and his friends Mr. St. John and Sir Simon Harcourt, took great pains with the leaders of the Tories, particularly Sir Thomas Hanmer, Mr. Bromley, and Mr. Freeman, to engage them in the queen's interests, assuring them, that her heart was with them; that she was weary of the tyranny of the whigs, and longed to be delivered from it. But they were not wrought upon by that management; they either mistrusted it, as done only to ensnare them; or they had other views, which they did not think fit to own. This double-dealing came to be known, and gave occasion to much jealousy and distrust.

Four men
of war
lost.

A little before the session was opened, an eminent misfortune happened at sea. A convoy of five ships of the line (the Cumberland of eighty guns, captain Richard Edwards commodore; the Devonshire of like force; the Royal-Oak of seventy guns; and the Chester and Ruby of fifty) were sent to Lisbon, to convoy thither a fleet of about a hundred and thirty sail of merchant-ships, with merchandise, provisions, stores of war, and a thousand horses bought in England for the king of Portugal. They left Plymouth on the 9th of October, being ordered to sail, as if it had been by concert, at a time when a squadron from Dunkirk had joined another from Brest, and lay in the way, waiting for them under the command of monsieur Forbin, and monsieur du Gué Trouin, and making in all fourteen sail; one of seventy-two guns, others of sixty, some of fifty, and none under forty. Some advertisements were brought to the admiralty of this conjunction, but they were not believed.

Oct. 10.

When the French set upon the English ships off the Lizard, the convoy did their part very gallantly, though the enemy were almost three to one. One of the English men of war was blown up, and three of them were taken, so that only one

queen, whose glory he had carried to a height beyond that of any of her predecessors. He wrote therefore a very moving letter to her, complaining of the visible loss of his interest with her, and particularly of her so long deferring the promotion she had promised, of the person recommended by her ministry, as a faithful friend to her government, adding, that the only way to make her reign

easy, was to be true to that rule, which she had professed to lay down, of preferring none of those who appeared against her service and the nation's interest, &c. He wrote at the same time to the same effect to me, and I wrote to the queen; and at length, by much solicitation, this matter was obtained, and Dr. Potter fixed in the professorship.

one escaped much shattered; but they had fought so long, that most of the merchant-ships had time to get away; and sailed on, not being pursued, and got safe to Lisbon. This coming almost at the same time with the loss of admiral Shovel, the session of parliament began with a melancholy face, and a dispute, upon the opening, had almost put the houses into great disorder.

It was generally thought, that, though this was a parliament that had now sat two years, yet it was a new parliament, by reason it had been let fall, and was revived by a proclamation, as has been said. The consequence of this was, that they, who had got places, were to be re-elected. Others maintained, that it could not be a new parliament, since it was not summoned by a new writ, but by virtue of a clause in an act of parliament. Mr. Secretary Harley was for maintaining it to be an old parliament: but the duke of Marlborough, upon his coming over, prevailed to have it yielded to be a new one. Accordingly, when, on the 23d of October, the first parliament of Great-Britain met at Westminster, all the forms usual in the beginning of a new parliament were observed. The queen came to the house of peers, and, the commons being sent for, they were directed by the lord-chancellor to return to their house, and chuse a speaker, and present him that day se'nnight. They unanimously made choice of Mr. Smith, their former speaker, and then adjourned to the 30th of the same month. The lords adjourned to the same day, after thirteen peers, of that part of Great-Britain called Scotland, had been admitted to their places, by virtue of their respective writs, each being introduced by two English peers of the same rank.

On the 30th, the queen came again to the house of peers, and the commons, being sent for, presented their speaker, whose election was approved. Then the lord-chancellor acquainted both houses with her majesty's pleasure, that they should adjourn to the 6th of November; on which day the queen made the following speech to both houses:

“ My lords and gentlemen,
 “ I T is with all humble thankfulness to Almighty God, and entire satisfaction to myself, that I meet you here in this first parliament of Great Britain, not doubting, but you come with hearts prepared, as mine is, to make this union so prosperous, as may answer the well-grounded hopes of all my good subjects, and the reasonable apprehensions of our enemies.

H h 3

The queen's speech to the first British parliament, Nov. 6. Pr. H. C. IV. 70.

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“ To this end nothing is so immediately material, as to convince, as soon as possible, both our friends and our enemies, that the uniting of our interests has not only improved our abilities, but our resolutions also, to prosecute this just and necessary war, till we obtain a safe and honourable peace for ourselves and for our allies.

“ In so great and extensive a war as this is, many things may be usefully undertaken, which are not fit to be communicated before-hand. The attempt upon Toulon was of this nature; and, though it had not wholly its desired effect, has nevertheless been attended with many great and obvious advantages to the common cause in this year, and has made our way more easy, I hope, to greater in the next.

“ As the French have gained ground upon us in Spain, so they have been wholly driven out of Italy, by which it is become more easy for all the allies to join their assistance next year for enabling the king of Spain to recover his affairs in that kingdom, and to reduce the whole Spanish monarchy to his obedience.

“ The weakness and ill posture of affairs upon the Rhine, in the beginning of the year, has given an opportunity to the French to make themselves stronger in all other parts: But this defect seems in a very promising way of being fully remedied against next campaign, by the conduct and authority of the elector of Hanover, whose reasonable acceptance of that command has strengthened and obliged the whole confederacy.

“ Gentlemen of the house of commons,

“ The just application of the sums given me by former parliaments, the plain necessity of continuing this war, the reasonable prospect of putting a good end to it, if we be not wanting to ourselves, and the honour of the first parliament of Great-Britain, are, I make no doubt, sufficient arguments to incite you to provide the necessary supplies, which I am obliged to desire of you for the ensuing campaign in all parts, and particularly for the timely support of the king of Spain, and the making good our treaty with Portugal; as also for strengthening the confederate army under the command of the duke of Savoy; all which services, I do not doubt, but you will think so necessary, that they ought not to be neglected, even though they should require an augmentation.

“ The sums already expended in this war have been very great; and they are sufficient proofs how well satisfied my subjects have always been with the ends of my government; of which I am so sensible, as never to ask any supplies from them, but what are absolutely necessary for the preservation of religion and liberty. I look upon it as my great happiness, that I have not the least interest separate from that of all my good subjects.

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“ My lords and gentlemen,

“ In a work so great and new in its kind as that of the union, it is impossible, but that some doubts and difficulties must have arisen, which, however, I hope, are so far overcome, as to have defeated the design of those, who would have made use of that handle to foment disturbances.

“ There are several matters expressly made liable, by the articles of the union, to the consideration of the parliament of Great-Britain, which, together with such others, as may reasonably produce those advantages, that, with due care, must certainly arise from that treaty, I earnestly recommend to your serious consideration.

“ On my part, nothing shall be wanting to procure to my people all the blessings, which can follow from this happy circumstance of my reign, and to extinguish by all proper means the least occasions of jealousy, that either the civil or religious rights of any part of this my united kingdom can suffer by the consequences of this union.

“ Such a suggestion shall never, in my time, have any foundation, how restless soever our enemies may be in their endeavours and artifices to disturb our peace and happiness. Those great and valuable blessings cannot but be always secure to us, if we heartily endeavour to confirm and improve our present union. I hope therefore you will suffer nothing to prevail with you to disunite among yourselves, or abate your zeal in opposing the common enemy.”

The queen's speech variously affected both houses. The Address of commons unanimously voted and presented an address of the Commons. Pr. H. L.

“ appointments should discourage them from making their utmost efforts to enable her, in conjunction with her allies, to reduce the whole Spanish monarchy to the obedience of the king of Spain, to make good the treaty

IV. 72.

H h 4

“ with

1707. "with Portugal, and to strengthen the confederate army
 Pr. H. L. "under the command of the duke of Savoy." But in the
 II. 179. house of lords, when the queen's speech came first under
 consideration, instead of voting immediately an address of
 thanks, the earl of Wharton made a speech, wherein, among
 other things, he took notice of the great decay of trade,
 and scarcity of money, which he had observed in travelling
 in the country, so that the farmers were not able to pay their
 rents to their landlords. He was seconded by the lord Som-
 mers, who enlarged on the ill state and mismanagements of
 the navy, and on the great losses of the merchants at sea
 the last summer. The earl of Stamford (at that time made
 one of the commissioners of Trade) endeavoured to put a
 stop to the prosecution of this subject, by moving and post-
 poning the consideration of the state of the nation till a
 more proper occasion, and proposed the returning thanks to
 the queen for her speech. This was opposed by the duke of
 Buckinghamshire, the earl of Rochester, and the lord
 Guernsey; who urged, that they ought, in the first place,
 to consider the state of the nation; insinuating, at the same
 time, that addresses had before been made to little purpose;
 meaning, with relation to the navy. After some other
 speeches, it was ordered, that the state of the nation should
 be taken into consideration, Nov. 19, in a committee of the
 whole house, where the queen was present incognito. The
 lord Herbert of Chesham being chosen chairman, a petition
 given in by the two sheriffs of London, and subscribed by
 about two hundred of the most eminent merchants of the
 city, was read, complaining of the great losses, which they
 had lately sustained at sea, for want of convoys and cruisers,
 and begging a speedy remedy. After the reading of this pe-
 tition, which was presented to the committee by the earl of
 Wharton, he began the debate, by laying open the misera-
 ble condition of the nation, and the great decay of trade.
 Several other peers spoke to the same effect; and, among
 the rest, the lord Haversham, in his usual manner, made a
 long speech (1).

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The

(1) The most material passa-
 ges of this speech were these:
 'My lord Herbert, — The
 two things you have now under
 your consideration, your fleet
 and your trade, have so near a
 relation, and such mutual influ-

ence upon each other, they can-
 not well be separated. Your
 trade is the mother and nurse of
 your seamen; your seamen are
 the life of your fleet, and your
 fleet is the security and protec-
 tion of your trade; and both
 together

The debate growing high, some lords endeavoured to allay it, by proposing ways and means to retrieve our losses at sea; and, amongst the rest, the lord Halifax moved, That a committee be appointed to receive proposals for encouraging of trade and privateers in the West-Indies; which motion being seconded by the lord-treasurer, and the question put, the same was carried in the affirmative. After which, a day was appointed to hear, in a grand committee, what the merchants had to alledge, to prove the suggestions of their petition. It was observed, that, as soon as the debate was over, the duke of Marlborough took the earl of Wharton aside, and there passed some warm expostulations between them.

The

together are the wealth, strength, security, and glory of Britain.

And this is so manifest, that those who have writ upon these subjects, whether foreigners, or among ourselves, have all owned it: Which makes it astonishing, that a thing so clear and evident, and wherein our interest and safety do so much consist, should be postponed to any foreign consideration whatsoever; wherein we are less concerned. But we are so unhappy as to struggle with so many complicated difficulties, that what is proper for one thing, is prejudicial to another.

My lord,—Your disasters at sea have been so many, a man scarce knows where to begin. Your ships have been taken by your enemies, as the Dutch take your herrings, by shoals upon your own coasts: Nay, your royal navy itself has not escaped. And these are pregnant misfortunes, and big with innumerable mischiefs. Your merchants are beggared; your commerce is broke; your trade is gone; your staple and manufacture ruined: The queen has

lost her customs, and the parliament must make good the deficiencies, while, in the mean time, our allies have an open and flourishing trade, and our enemies make use both of our own ships and seamen too against us!

There is yet a farther grievance: When, through a thousand difficulties and dangers, the honest trader has brought home some small effects, he is fallen upon and oppressed by vexatious and unjust prosecutions. I mention this with relation to the union, and to shew, that, though I was always against it, yet, since it is made, I am for keeping firm and exactly to it.

My lord, the face of our affairs is visibly changed in the space of one year's time, and the temper of the nation too. Formerly men stifled their misfortunes, and were afraid of whispering them out, for fear of being overheard, and undone. Now it is hard to stop their mouths, or keep them within any bounds. The moving objects of sorrow we meet with every where, the tears of the father,

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Supply
voted.Com-
plaints of
the Ad-
miralty.

The commons, in a great measure, made good their assurances to the queen, and chearfully voted the necessary supplies for the navy, land forces, and some other occasions. But, at the same time, upon a petition of several merchants of London, complaining of the want of cruisers in the channel and soundings, the commons, in a grand committee, took into consideration the state of the navy, and trade of the nation; and a great many merchants being admitted into the house, to make good the allegations in their petition, Mr. Heathcote, son of Sir Gilbert Heathcote, and Mr. Dawson, his partner, two Russia merchants, made long speeches against the admiralty, whom they charged with frauds, malice, and ignorance, particularly in relation to the Russia fleet. Some members endeavoured to interrupt them; but Sir Richard Onslow, the chairman of the committee, desired them to proceed, which they did with great freedom, and offered to prove what they had advanced, both by papers, and the testimony of many merchants there present. However, this debate was adjourned to the 4th of December,

fatherless, and cries of the widows, have raised both a compassion for the distressed, and a resentment and indignation against the authors of those misfortunes; and the very fumes, which of late have flew abroad, no body knows from whence, and papers, which have been cried in your streets, are all marks of the great ferment the nation is in.

My lord, you are now upon the inquiry, by what ways and persons we have been brought into this miserable condition. I think it very indifferent which way you proceed. It seems reasonable, that those lords, who first moved this order, should put it into what method they please; but I must take leave to say, that, begin where you will, if you do not end with the ministry, we shall be in a worse condition, in my opinion, than we were before.

As to the admiralty, if the prince's council have committed any fault, it is very fit they should have what they deserve; but, I hope, no persuasion will prevail with the prince himself to lay down that commission. The navy, I think, is safer in his hands, than in any other man's hands whatsoever, and I will give your lordship my reason for it. He has advantages no other person can pretend to. He owes not his commission to the favour of any great minister whatsoever, nor is he within the reach of their power. He stands upon a much more unshaken and firm foundation; and, if there be any mistake, it is impossible to be the effect either of the fear, or the anger of a great minister, or a care to please him.

My lord, I take the root of all our misfortunes to lie in the ministry; and without a change

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December, when admiral Whetstone was ordered to attend, with the journal of his voyage towards Russia. But, after all, the affair ended only in this resolution, "That for the better securing the trade of this kingdom, over and above the ships of war for the line, and the convoys to remote parts, a sufficient number of ships (which was afterwards settled to four) be appointed to cruise in proper stations." And a bill was ordered to be brought in for that purpose.

The losses at sea complained of were imputed to the weakness, or to a worse disposition in some, who had great credit with the prince of Denmark, and were believed to govern that whole matter (particularly Mr. George Churchill) for, as they were entirely possessed of the prince's confidence, so, when the prince's council was divided in their opinions, the decision was left to the prince, who understood very little of those matters, and was always determined by others. By this means they were really lord-high-admiral,

of ministry, in my opinion, no other remedy will be effectual. I may perhaps be told by some lord, that I arraign the ministry. I know that is not proper here; yet every lord has liberty of speaking his thoughts freely, and taking notice of any thing he thinks a grievance to the nation: And it is under this notion of complaint, and from a sense of our miserable condition, that I say this to your lordship; and, if I were not confident I stand upon sure ground, I should not venture thus far; but I have my justification in my hand. And now, my lord, it is fit I should prove what I say.

Should I mention the breach of the first, fourth, and last articles of the union, I am within your order; and those lords, who serve, at present, for the north part of Britain, I am confident have heard of a complaint and address of the royal boroughs. And I might remember the disappointment we have

met with in Spain. But I hope those two points will be some time or other considered. I will therefore keep myself for proof strictly to your petition; and, I think, nothing is more evident, than that your ministry has been the cause of these misfortunes; and the argument, which convinces me of it, is drawn from an address of your lordships in 1704, which I have in my hand. I know before whom I speak: The queen is a princess of that consummate wisdom, as not to do any thing without the advice of her ministry. Your lordships did then most humbly advise and address her majesty, that particular care might be taken of these points. None but those that have her majesty's ear, could prevail to the contrary; and the want of following your lordships advice has lost the nation near ten millions since; and therefore it evidently follows, that your ministry have been the occasion of those losses.

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ral, without being liable to the laws for errors and miscarriages. This council was not a legal court, warranted by any law, though they assumed that to themselves: Being counsellors, they were bound to answer only for their fidelity. The complaints were feebly managed at the bar of the commons; for it was soon understood, that not only the prince, but the queen likewise concerned herself much in this matter; and both looked on it as a design levelled at their authority. Both whigs and tories seemed to be at first equally zealous in the matter; but, by reason of the opposition of the court, all those, who intended to recommend themselves to favour, abated of their zeal. Some were vehement in their endeavours to baffle the complaints. They had great advantages from the merchants managing their complaints but poorly; some were frightened, and others were practised upon, and carried even to magnify the conduct of the fleet, and to make excuses for all the misfortunes that had happened. That, which had the chief operation on the whole tory party, was, that it was set round among them, that the design of all these complaints was to put the earl of Orford again at the head of the fleet: Upon which they all changed their note, and they, in concurrence with those, who were in offices, or pretended to them, managed the matter so, that it was let fall very little to their honour; and severe remarks were made on some, who had changed their conduct upon their being preferred at court.

Their
com-
plaints ex-
amined
by the
Lords.

The affair was prosecuted with more zeal and courage in the house of lords. The committee appointed to examine the complaints, called the merchants, who had signed the petition, before them, and treated them not with the scorn, that was very indecently offered them by some of the house of commons, but with great patience and gentleness. They obliged them to prove all their complaints by witnesses upon oath. In the prosecution of the inquiry it appeared, that many ships of war were not fitted out to be put to sea, but lay in port neglected, and in great decay: That convoys had been often flatly denied the merchants; and that, when they were promised, they were so long delayed, that the merchants lost their markets, were put to great charge, and, when they had perishable goods, suffered great damage in them. The cruisers were not ordered to proper stations in the channel; and when convoys were appointed, and were ready to put to sea, they had not their sailing orders sent them, till the enemies ships were laid in their way, prepared to fall on them; which had often happened. Many adver-
tise-

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tifements, by which those misfortunes might have been prevented, had been offered to the admiralty, but had not only been neglected by them, but those, who offered them, had been ill treated for doing it. The committee made a report of all this to the house of lords; upon which the lord-treasurer moved, that a copy of the report might be sent to the lord-admiral, which was done, and, in a few days, an answer sent to the house, excusing or justifying the conduct of the admiralty in all the branches of it. The chief foundation of the answer was, that the great fleets, which were kept in the Mediterranean, obliged them to send so many of the ships and seamen thither, that there was not a sufficient number left to guard all the trade, while the enemy turned all their forces at sea into squadrons for destroying it; and that all the ships, that could be spared from the public service abroad, were employed to secure the trade. That the promise of convoys had often been delayed by reason of cross winds, and other accidents; that had hindered the return of the men of war longer than had been expected, they being then abroad, convoying other merchant-ships: And it was said, that there was not a sufficient number of ships for cruisers and convoys both. The paper ended with some severe reflections on the last reign, in which great sums had been given for the building of ships, and yet the fleet was at that time much diminished, and four thousand merchant-ships had been taken during that war. This was believed to have been suggested by Mr. Secretary Harley, on design to mortify king William's ministry. Upon reading of this answer, a newer and fuller examination of the particulars was again resumed by the same committee; and all the allegations in it were exactly considered. It appeared, that the half of those seamen, whom the parliament had provided for, were not employed in the Mediterranean; that many ships lay idle in the port, and were not made use of; and that in the last war, in which it appeared there were more seamen, though not more ships, employed in the Mediterranean than were now kept there, yet the trade was so carefully looked after by cruisers and convoys, that few complaints were then made. And as to the reflections made on the last reign, it was found, that not one half the sum that was named, was given for the building of ships; and, that instead of the fleet's being diminished during that war, as had been affirmed, it was increased by above forty ships; nor could any proof be given, that four thousand ships were taken during that war. That all the seamen, who were then

1707. " to in their address : That it was always her opinion, that
 " the encouragement of trade and seamen, and the good
 " manage-

" A fifth complaint was, concerning the arbitrary proceedings of the captains of the queen's ships of war, in impressing seamen out of the merchant-ships in the West-Indies ; as also upon their return into the ports of Great-Britain, to the endangering of many, and loss of several ships."

The address concludes in these terms :

" We, having thus performed, what we took ourselves to be indispensibly obliged to do, cannot doubt but it will be graciously accepted by your majesty, as coming from most dutiful subjects, who sincerely wish they may never have occasion hereafter of making addresses to your majesty, but to congratulate your successes, or to return our humble acknowledgements for the blessings of your reign."

" We beseech your majesty to believe, that none of your subjects do exceed us in true respect to his royal highness the lord-high-admiral. His great personal virtues require it ; and his near relation to your majesty makes it our duty. And as we do not mean any thing in this address should in the least reflect upon him ; so we are very well assured, his royal highness will never suffer other persons to protect themselves under his name from a just pursuit of such faults and neglects, as

" immediately tend to the ruin of trade, and the destruction of Britain."

" There cannot be a plainer proof, that some persons, employed by the lord-high-admiral, have made the worst use imaginable of the trust he honours them with, than in their presuming to lay such an answer before the house of lords in his name. For, not to take notice of the many things (which in the second report have been already laid before your majesty) throughout the whole paper, there is not the least hopes given, that for the future any better care shall be taken of the trade. On the contrary, the whole turn of the answer seems to be intended for exposing the complaints of the merchants, rather than pitying their losses. We are sure nothing can be more remote from the goodness and compassion of the lord high-admiral's temper, and the tender regard he has always shewn for your majesty's subjects."

" May it please your majesty,

" It is a most undoubted maxim, that the honour, security, and wealth of this kingdom does depend upon the protection and encouragement of trade, and the improving and right managing the naval strength. Other nations, who were formerly great and powerful at sea, have, by negligence and mismanagement,

" lost

“ management of the navy, were of the greatest importance 1707.
 “ to the prosperity of this kingdom : And that therefore she
 “ would use her utmost endeavours to encourage all those,
 “ whose duty it was, effectually to perform those services.”
 But nothing followed upon this answer ; and the queen
 seemed to be highly offended at the whole proceeding.

On the 22d of November, upon a petition of several mer- Scotch
 chants of Scotland, complaining, “ That goods and mer- merchants
 “ chandizes (particularly French wines) brought by them relieved.
 “ into England, since the first of May last, had been seized ; Pr. H. C.
 “ and that the petitioners were under a prosecution in the IV. 74
 “ Exchequer for the value thereof, and praying relief
 “ touching the same ;” the commons resolved to address
 the queen, that she would order the attorney-general to en-
 ter a Noli prosequi, to discharge the several informations
 relating to the goods imported, custom-free, from Scotland,
 before the first day of May last. The queen readily com-
 plied with this address, both the court and parliament being
 willing, by this indulgence, to abate the discontents of the
 Scots against the union.

But, on the other hand, the commons ordered a bill to be The acts
 brought in to repeal the acts passed in Scotland, for the secu- of security
 rity of that kingdom, and about peace and war, which had and about
 given so great a jealousy to the English nation, that the peace and
 rescinding of them was one of the principal views of the mi- war, or-
 nistry, in the prosecution of the treaty of union. This done, dered to
 the commons considered those parts of the queen’s speech be re-
 pealed.
 relating to the making the union more compleat, and resolved, Resolui-
 on the 11th of December, “ 1. That there be but one privy- ons to
 “ council in the kingdom of Great Britain. 2. That the make the
 “ militia of that part of Great Britain called Scotland be Union
 “ regulated, in the same manner as the militia of that more
 “ part compleat.

“ lost their trade, and seen their
 “ maritime strength intirely ru-
 “ ined. Therefore we do in the
 “ most earnest manner beseech
 “ your majesty, that the sea-
 “ affairs may be your first and
 “ most peculiar care. We numbly
 “ hope, that it shall be your ma-
 “ jesty’s chief and constant in-
 “ struction to all, who shall have
 “ the honour to be employed in
 “ in your councils, and in the
 “ VOL. XVI.
 “ administration of affairs, that
 “ they be continually intent and
 “ watchful in what concerns
 “ the trade and fleet ; and that
 “ every one of them may be
 “ made to know it is his parti-
 “ cular charge to take care, that
 “ the seamen be encouraged, the
 “ trade protected, discipline re-
 “ stored, and a new spirit and
 “ vigour put into the whole ad-
 “ ministration of the navy.”
 1 1

1707.

“ part of Great-Britain called England is regulated. 3. That the powers of justices of peace for preserving the public peace be the same throughout the whole united kingdom. 4. That, for the better administration of justice, and preservation of the public peace, the lords of justiciary be appointed to go circuits twice in the year. 5. That the writs for electing members to serve in the house of commons, for that part of Great-Britain called Scotland, be directed to the sheriffs of the respective counties, and that the returns be made of such writs, in like manner as returns are made of such writs in that part of Great-Britain called England.” And they ordered a bill to be brought in upon these resolutions. Two days after they took into consideration the report from the committee, to whom the petition of several merchants trading to Portugal, Italy, and Spain, was referred; which resolutions were agreed to by the house, viz. “ First, That the merchants had fully made out the several allegations of their petitions: Secondly, That the preserving the Portugal trade was of the utmost concern to this nation, being, at present, the greatest mart for vent of our woollen manufactures, corn, fish, and other British commodities. Thirdly, That there was a considerable collusive trade in French prize-wines carried on before, and more increased since the falling of the fifteen pounds per tun. Fourthly, That except effectual provision were made to prevent the like practices, with relation to the collusive trade of bringing in French wines, as if they were prize-wines, it would not only be a great discountagement to the Portugal trade, and traders, but endanger the intire loss thereof.” And a bill was ordered to be brought in upon the last resolutions. Then, the state, accounts, and lists relating to the forces in Spain and Portugal, having been laid before the house, the consideration of the state of the war in those parts was deferred till the 7th of January; and several other papers relating to those affairs were ordered to be laid before the house (1).

On

(1) While these things were depending, the commons, on the 25th of November, took into consideration the report of the committee appointed to examine the petition of Mr. John Asgill, a member of the house, in prison in the Fleet for debt, at the

suit of Mr. Holland, a Staffordshire gentleman; which report was ordered to be re-committed. On the other hand, the house being informed of a printed book or pamphlet, signed J. Asgill, intitled, An argument, proving, that, according to the

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On the 18th of December, the queen came to the house of lords, and having passed some money-bills, and the act for repealing the Scotch acts of security, and about peace and war, made the following speech to both houses:

“ My lords and gentlemen,

“ I Am very well pleased with the occasion of my coming
 “ hither at this time, and desirous to take this opportunity of expressing to you the satisfaction I have in seeing
 “ so good a progress made in the public business.

“ Gentlemen of the house of commons,

“ I am extremely sensible of the readiness and affection,
 “ with which you have provided so considerable a part of
 “ the supplies. As I am fully persuaded it must needs give
 “ the greatest satisfaction to all our allies; so I look upon it
 “ as a sure pledge of your being disposed to make good those
 “ hearty assurances, which you gave me in the beginning of
 “ the session.

“ I

covenant of eternal life, revealed in the scriptures, man may be translated from hence into that eternal life, without passing through death, although the human nature of Christ himself could not be thus translated, till he had passed thro' death. Several passages of which treatise being contrary to, and reflecting on the christian religion, the book was brought up to the table, and the title, and several paragraphs therein, being read, it was ordered, That it be referred to a committee to inquire into the author of the said book. On the 16th of December, the commons resolved, That Mr. Apgill ought to have the privilege of the house, as a member thereof, and be delivered out of the custody of the warden of the Fleet, to attend the service of

the house. Pursuant to which resolution, he was immediately discharged; but two days after, the house proceeded to take into consideration the report from the committee, to whom it was referred to examine, who was the author, printer, and publisher of the book above-mentioned, ascribed to Mr. Apgill; who having been heard in his place in relation to the report, the commons resolved, That in the said book are contained many profane and blasphemous expressions, highly reflecting upon the christian religion; and ordered the same to be burnt by the hands of the common hangman in the New-Palace-yard, Westminster; and resolved, that John Apgill, Esq; having in his place owned himself to be the author of the said book, be expelled the house.

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" I told you, at the opening of this parliament, that I
 " did hope you would look upon the services relating to
 " Spain, Portugal, and the army under the command of
 " the duke of Savoy, to be of so much importance in the
 " prosecution of this war, that they might deserve an aug-
 " mentation; which I cannot but think will be of the great-
 " est use to the common cause (1), both with regard to
 " those

(1) Mr. Addison wrote an excellent piece to this purpose, which was printed at London in 4to in 1704, under the title of *The present State of the War, and the Necessity of an Augmentation considered*. In this discourse, after having shewn, that the French are the constant and most dangerous enemies to the British nation, and that the danger from them was then greater than ever, and would still increase till the union with Spain were broken, he sets forth the several advantages, which this union had already given France, and taken from Great-Britain, in relation to the West-Indies, the woollen manufactures, the trade of the Levant, and the naval power of the two nations. He then shews how these advantages would still rise higher after a peace, notwithstanding the present conquests of Great-Britain, with new additions, should be conferred to the nation, as well be use the monarchy of Spain would not be weakened by such concessions, as because no guarantee could be found sufficient to secure them to us. For which reason he lays it down as a fixed rule, that no peace was to be made without an entire disunion of the French and Spanish monarchies. That this might be brought about, he en-

deavours to prove from the progress which had been already made towards it, and the successes, which the British nation had purchased in the war, and which were very considerable, if well pursued; but of no effect, if the nation should acquiesce in them. In order to compleat this disunion, in which we had gone so far, he would not have us rely upon exhausting the French treasury, attempts upon the Spanish Indies, descents on France, but chiefly on out-numbering them in troops, France being already drained of her best supplies, and the confederates masters of much greater forces for multitude and strength, both in men and horses; and provided with generals of great fame and abilities. He then considers the wrong measures, which had been hitherto taken in making too small levies after a successful campaign, in regulating their number by that of the enemy's forces, and hiring them of our confederates; shewing at the same time the inconveniencies suffered from such hired troops, and several advantages, which would arise from employing those of our own nation. He further recommends this augmentation of our forces, to prevent the keeping up a standing body of them in times
 of

O. F. E. N G L A N D.

50.

“ those particular services, and to the putting ourselves in a
 “ condition to improve such favourable opportunities, as
 “ may arise in the ensuing year.

1707.

“ My

of peace, to enable us to make an impression on the enemy in the present posture of the war, and to secure ourselves against the king of Sweden, who was then at the head of a powerful army, and had not yet declared himself. In the last place he answers by several considerations those two popular objections, That we furnished more towards the war than the rest of the allies; and That we were not able to contribute more than we did already. With regard to the former objection, he observes, that if it were true in fact, that England contributed more than any other of the allies, he does not see any tolerable colour, that she should not make any addition to her present efforts. “ Supposing, says he, among a multitude embarked in the same vessel, there are several, that in the fury of a tempest will rather perish than work for their preservation; would it not be madness in the rest to stand idle, and rather chuse to sink together, than to do more than comes to their share? Since we are engaged in a work so absolutely necessary for our welfare, the remissness of our allies should be an argument for us to redouble our endeavours rather than slacken them. If we must govern ourselves by example, let us rather imitate the vigilance and activity of the common enemy, than the supineness and negligence of our friends.

‘ We have indeed a much
 ‘ greater share in the war than
 ‘ any other part of the con-
 ‘ federacy. The French king
 ‘ makes at us directly, keeps
 ‘ a king by him to set over us,
 ‘ and hath very lately aug-
 ‘ mented the salary of his court,
 ‘ to let us see, how much he
 ‘ hath that design at heart.
 ‘ Few of the nations in war with
 ‘ him, should they ever fall in-
 ‘ to his hands, would lose their
 ‘ religion or form of govern-
 ‘ ment, or interfere at present
 ‘ with him in matters of com-
 ‘ merce. The Dutch, who are
 ‘ likely to be the greatest losers
 ‘ after the Britons, have but
 ‘ little trade to the Levant in
 ‘ comparison with ours, have
 ‘ no considerable plantations
 ‘ or commerce in the West-
 ‘ Indies, or any woollen ma-
 ‘ nufacture, for Spain, not to
 ‘ mention the strong barrier
 ‘ they have already purchased
 ‘ between France and their
 ‘ own country. But, after all,
 ‘ every nation in the confede-
 ‘ racy makes the same com-
 ‘ plaint, and fancies itself the
 ‘ greatest sufferer by the war.
 ‘ Indeed in so common a pres-
 ‘ sure, let the weight be never
 ‘ so equally distributed, every
 ‘ one will be most sensible of
 ‘ that part, which lies on his
 ‘ own shoulders. We furnish,
 ‘ without dispute, more than
 ‘ any other branch of the al-
 ‘ liance, but the question is,
 ‘ Whether others do not exert
 ‘ themselves in proportion ac-
 ‘ cording to their respective
 ‘ strength?

1707.

“ My lords and gentlemen,

“ I shall only add, that as nothing is more essential to
 “ my own quiet, and the happiness of all my good subjects,
 “ than the bringing this war to a safe and honourable con-
 “ clusion; so I must think myself obliged to look upon all
 “ those, who are willing and desirous to support me in it
 “ for attaining that end, as the most proper objects of my
 “ favour and encouragement.

“ I cannot conclude, without once more recommend-
 “ ing to you to confirm and improve the advantages of our
 “ happy union, not doubting, but, at the same time, you
 “ will have a due regard to what shall be found necessary
 “ for preserving the public peace, throughout the whole
 “ Island of Great-Britain.”

Debate
 about the
 affairs of
 Spain.
 Pr. H. L.
 II. 183.

This speech occasioned, the next day, a long debate in the house of lords, in relation to the affairs of Spain, the queen being present. The earl of Rochester spoke first, and having commended the earl of Peterborough's courage and conduct, and enumerated his services, said, “ That it had been a constant custom, that, when a person of his rank, who had been employed abroad in so eminent a post as his lordship, had returned home, he had either thanks given him, or was called to an account; urging, that the same ought to be done in relation to the earl of Peterborough.” The lord Halifax, who spoke next, enlarged likewise upon the earl's successful services, but waved the returning him thanks, till the whole tenor of his conduct had been examined; than which the earl himself professed, he had nothing more at heart. The lord Haverham was not silent; but, having highly extolled the earl of Peterborough's valour, skill, and success, made an oblique reflection on the earl of Galway, saying, “ It was no wonder our affairs in Spain went so ill, since the management of them had been intrusted to a foreigner.” Here-
 upon

‘ strength? The emperor, the
 ‘ king of Prussia, the elector
 ‘ of Hanover, as well as the
 ‘ States of Holland, and the
 ‘ duke of Savoy, seem at least
 ‘ to come up to us. The great-
 ‘ est powers in Germany are
 ‘ borrowing money, where they
 ‘ can get it, in order to main-
 ‘ tain their stated quota's, and
 ‘ go thorough their part of the
 ‘ expence: And, if any of the
 ‘ circles have been negligent,
 ‘ they have paid for it much
 ‘ more in their late contribu-
 ‘ tions, than what would have
 ‘ furnished out their share in
 ‘ the common charges of the
 ‘ war.”

upon several lords shewed the necessity of carrying on the war, till the whole monarchy of Spain should be recovered, and king Charles settled upon his throne. And, among the rest, the earl of Peterborough said, "They ought to give the queen nine shillings in the pound, rather than make peace upon any other terms;" adding, "That, if it were thought necessary, he was ready to return to Spain, and serve even under the earl of Galway." This naturally brought on the consideration of ways and means to retrieve the affairs of Spain, in relation to which, the earl of Rochester said, "That we seemed to neglect the principal business, and mind only accessories:" Adding, "That he remembered the saying of a great general, the old duke of Schomberg, that the attacking France, in the Netherlands, was like taking a bull by the horns." And therefore his lordship proposed, "That we should stand on the defensive in Flanders, and send from thence fifteen or twenty thousand men into Catalonia." He was seconded by the earl of Nottingham, who complained of Spain being in a manner abandoned. But the duke of Marlborough endeavoured, with some warmth, to shew the danger of such a scheme, and the necessity of augmenting rather than diminishing the forces in Flanders. His chief reasons were, "First, that most of the enemy's strong places there might be kept with one battalion in each; whereas the great towns of Brabant, which he had conquered, required twenty times that number of men for their preservation. Secondly, That if our army in the Netherlands were weakened, and the French, by their great superiority, should gain any considerable advantage, the discontented party in Holland, who were not a few, and bore with impatience the great charges of the war, would not fail crying out aloud for peace." Here the earl of Rochester said, "He wondered that noble peer, who had ever been conspicuous for his calmness and moderation, should now be out of his natural temper:" Adding, "That, there being an absolute necessity to succour Spain, his grace would oblige their lordships, if he would let them know where they might get troops to send thither; and the obligation would be the greater, because the earl of Peterborough had, that very day, assured them, that he had heard prince Eugene say, That the German soldiers had rather be decimated, than sent into Spain." The duke of Marlborough answered the reproach of having shewed

1707.

The duke
of Marl-
borough's
speech.

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some warmth, by saying, "The thing was of too great importance to be spoken of without concernment." And as for the question proposed by the earl of Rochester, he said, "That although it was improper to disclose secret projects in so great an assembly" (to which, that day, many strangers had been admitted, by reason of the queen's presence) "because the enemy would not fail being informed of them; yet, to gratify their lordships, he might assure them, that measures had already been concerted with the emperor, for forming an army of forty thousand men, under the command of the duke of Savoy, and for sending powerful succours to king Charles." Adding, "That it was to be hoped, that prince Eugene might be prevailed with to go and command in Spain; in which case the Germans would gladly follow him thither. The only difficulty, which his grace said might be objected to this scheme, was the usual slowness of the court of Vienna; to which purpose he took notice, that, if the seven thousand German recruits, which the emperor had promised for the army in Piedmont, had arrived in time, the enterprize against Toulon would probably have been attended with success: But that it was to be hoped, and he durst engage his word for it, that, for the future, his Imperial majesty would punctually perform his promises."

This put an end to the debate; and a committee was appointed to draw up an address to the queen, which was presented the same day; wherein their lordships returned

The lords
address to
the queen.

her majesty "their most humble thanks for her most gracious speech to her parliament; adding, that the great spirit and resolution she was pleased to express for the vigorous carrying on the war in Spain and Portugal, and strengthening the army of the duke of Savoy, who had deserved so well of the whole confederacy, could not fail to contribute, in the most effectual manner, to bring this war to a speedy and happy conclusion. That such an example ought to excite all her allies to a noble imitation; and their lordships were sure, her majesty would do her utmost, to oblige such of them, as hitherto had failed in their parts, for the future, to act as those, who had a real concern for restoring and securing peace and liberty to Europe. That her majesty's favour would always be the highest encouragement to her subjects; but the zeal their lordships had for the preservation of her majesty's person and government, and the duty they owed to their country, always had, and ever would oblige

"them

“ them to do all that lay in their power, for supporting her
 “ majesty in this just war, till it were brought to a safe
 “ and happy conclusion. And as they had shewn the
 “ greatest zeal for bringing the union to pass, and for pre-
 “ venting every thing that might disturb it; so they una-
 “ nimously promised her majesty, to do all that was possible
 “ for them, to make it compleat and intire.”

1707.

The same day the lords resolved, “ First, That no peace
 “ could be safe or honourable for her majesty and her al-
 “ lies, if Spain and the Spanish West-Indies were suffered
 “ to continue in the power of the house of Bourbon. Se-
 “ condly, That an humble address be presented to the
 “ queen, to thank her majesty for the care she had taken,
 “ and the instances she had used with the emperor, for the
 “ sending a considerable force for the relief of the king of
 “ Spain, under the command of prince Eugene; and to
 “ desire her majesty, that she would continue to make the
 “ most pressing instances to the emperor, to send power-
 “ ful succours to Spain under the command of prince Eu-
 “ gene with expedition, and to make good the concert of
 “ putting twenty thousand men under the command of the
 “ duke of Savoy; and that the emperor would also use his
 “ utmost power and interest for strengthening the army on
 “ the Rhine, which was now happily put under the com-
 “ mand of that wise and valiant prince, the elector of Ha-
 “ novver.” An address, containing these resolutions, was
 accordingly drawn up; concluding, “ They believed no
 “ part of this could be refused upon her majesty’s earnest
 “ interposition, who had done such great things for the
 “ house of Austria: And that, this being complied with,
 “ they might reasonably hope, by God’s assistance, the next
 “ would prove a happy and glorious campaign.” The
 commons, having, at the lords desire, concurred in this
 address, both houses, in a body, presented the same to her
 majesty, who told them, “ That she was fully of their
 “ opinion, that no peace could be honourable or safe for
 “ them, or for their allies, till the intire monarchy of Spain
 “ be restored to the house of Austria; and very well
 “ pleased to find, that the measures, she had concerted for
 “ the succour of the king of Spain, were so fully approved
 “ by both houses of parliament: And that she should con-
 “ tinue her most pressing instances with the emperor, for
 “ the hastening of further succours, and that they might be
 “ commanded by prince Eugene: As also, upon all the other
 “ particulars mentioned in their addresses.”

Resolu-
tions of
the lords.Both
houses ad-
dress the
queen not
to make
peace
without
the resti-
tution of
all Spain.
Dec. 23.

Pursuant

1707.

Pursuant to these assurances, the queen pressed the emperor to send prince Eugene to Spain. The Imperial court delayed to comply in this particular, but (as will hereafter be seen) sent count Staremberg thither, who had indeed acquired a very high reputation.

The 19th of December, the commons came to several resolutions about the supply, so that, by the 22d, they had given very near six millions (1).

Account
of the
French
prophets.

Towards the end of the year 1706, three French Cevennois, commonly called Camisars, came over to England, and by their enthusiastic effusions, and pretences to prophecy, and extatic convulsions, raised the curiosity of their countrymen in London, and gained several followers. This gave great offence to the generality of the French refugees, and the ministers and elders of the French royal chapel in the

(1) The particular sums were,

	l.	s.	d.
For forty thousand seamen	2,080,000	00	0
The ordinary of the navy	1,20,000	00	0
The forty thousand land-men in Flanders	894,272	03	6
The additional ten thousand men	177,511	03	6
The proportion of the Palatines	34,251	13	4
The proportion of the Saxons	43,251	12	6
The proportion of Bothmar's dragoons	9,269	16	6
The forces in Spain and Portugal	586,671	12	0
The subsidies to the allies	494,689	08	6
The duke of Savoy's augmentations	500,000	00	0
The guards and garrisons, invalids, and five thousand men on board the fleet	511,734	08	6
The duke of Savoy's special service in 1707	100,000	00	0
Completing the payment of the Hessians	22,957	02	0
The fortifications at Gibraltar	12,284	19	6
The payment of one year one quarter's interest upon debentures	60,334	19	6
A store-house, and wharf at Portsmouth	10,000	00	0
Circulating Exchequer bills	3,500	00	0
Transporting land forces	144,000	00	0
The land-ordnance	120,000	00	0
The payment of captain Roch	2,126	18	6

Total 5,933,657 17 4

1707.

the Savoy (the head of the French congregations in Westminster) thought it their duty to inquire into the mission of these new prophets; and, being authorized by the bishop of London, their ecclesiastical superior, summoned the three Camisars, Elias Marion, John Cavalier, and Durand Fage, to come before them. Two of them obstinately refused to appear; but the third boldly justified their pretences to inspiration. Whereupon the French church in the Savoy made an act on the 2d of January, wherein they were declared impostors and counterfeits; and this act was confirmed by the lord bishop of London. Notwithstanding this anathema, the pretended prophets, acted by Mr. Maximilian Misson, a French Refugee, Mr. Nicholas Facio, the mathematical professor at Geneva, and others, and continuing their assemblies in Soho, uttered their predictions with great noise; and being supported by Sir Richard Bulkley and Mr. John Lacy, two English gentlemen of good estates, branded the ministers of the established church with odious names and characters, and denounced the heaviest judgments against the city of London, and the whole British nation. They published likewise their predictions under the title of prophetic warnings of Elias Marion, &c. which was a collection of incoherent and unintelligible jargon, and shewed the authors of them to be men thoroughly insatuated. But it being suspected by some, that there was a mixture of design and artifice in the affair, Marion, John Daudé, and Facio, were indicted and prosecuted at the expence of all the French churches in London, as disturbers of the public peace, and false prophets; and received their sentences at the court of Queen's-Bench, to stand twice on a scaffold with a paper denoting their offence; to pay a fine of twenty marks each, and to give security for their good behaviour for one year. According to this sentence they were exposed on a scaffold at Charing-Cross and at the Royal-Exchange.

At this time two discoveries were made, very unlucky Dec. 1, 2. for Mr. Harley. Marshal Tallard wrote often to monsieur Discove-Chamillard, but he sent his letters open to the secretary's office, to be perused and sealed up, and so to be conveyed by the way of Holland. These were opened upon some suspicion in Holland; and it appeared, that one, in the secretary's office, put letters in them, in which, as he offered his service to the courts of France and St. Germain, so he gave an account of all transactions here. In one of these he sent a copy of the letter, which the queen was to write,

correspondence
with
France.
Hist. of
Europe.
Burnet.

1707.. write, in her own hand, to the emperor; and he marked what parts of the letter were drawn by the secretary, and what additions were made to it by the lord treasurer. This was the letter, by which the queen pressed the sending prince Eugene into Spain; and this, if not intercepted, would have been at Versailles many days before it could reach Vienna. He, who sent this, wrote, that by this they might see what service he could do them, if well encouraged. All this was sent over to the duke of Marlborough; and upon search it was found to be writ by Mr. William Gregg, whom Mr. Harley had not only entertained as a clerk in his office, but likewise taken into a particular confidence, without inquiry into the former parts of his life; for he was a vicious and necessitous person. He had been secretary to Mr. Gregg, when resident from king William to the court of Denmark, and afterwards to Mr. Vernon, envoy to the same court, by whom he was dismissed, for his ill conduct (1). Mr. Harley had made use

(1) The committee of the lords, appointed to examine him, observe, that the effect of the papers referred to them was as follows:

I. A copy of Gregg's letter, which was intercepted, dated the 28th of November 1707, O. S. sent to monsieur Chamillard, inclosed in a packet from marshal Tallard, directed to Mr. Robineau his steward at Paris.

In this Gregg sends to monsieur Chamillard a copy of the queen's letter, written with her own hand to the emperor.

In the same letter Gregg takes notice of two letters sent by him to monsieur Chamillard, the one dated the 24th, and the other the 28th of October last, which he understood Robineau had put into his hands.

That perceiving by Robineau's letter to his master, that monsieur Chamillard desired

the marshal's sentiments of Gregg, Gregg had himself written to him.

In expectation of his answer Gregg flattered himself, that the paper, then sent, was of that importance, that there could be no longer doubt of the devotedness of a Scotchman for France; not to speak of his zeal for the service of his prince, who had found refuge there.

That the lines, under which he had drawn a stroke, were the thoughts of the lord-treasurer, which he had added with his own hand to the first draught of the letter.

The same letter contained some other news.

II. There was a copy of a letter, dated the 25th of November, O. S. in the same packet, subscribed William Gregg, in which notice is taken of what Robineau writes to monsieur Tallard concerning him;

use of him to get intelligence in Scotland in 1705, and came to trust him with the perusal and sealing up of the letters, which 1707..

him; and that he himself had written to the marshal, and desired Robineau to deliver the inclosed according to the address, as being of great consequence.

III. The copy of a letter from marshal Tallard to Robineau, dated the 10th of September, N. S. in which monsieur Tallard says, that as to the letters, of which Robineau made mention in his of the 25th and 28th of November, that he had delivered them according to the address. Monsieur Tallard knew nothing of their contents, but by the same post, which brought his letters.

That he was obliged for the offers, but could make no use of them while he was a prisoner. When the peace was made, he would give proof of his acknowledgment to him, who made the offers, and would endeavour to engage the person, to whom the letters were addressed, to do the same. In the interim Robineau was to tell the person, to whom he delivered the letters, for whom the marshal had the utmost consideration, that he was much obliged to him for desiring to know his thoughts, before he would determine what to do. That the offers made did not suit with the present times, at least as to him, &c.

IV. An original letter, of the 10th of December, 1707, to Mr. Robineau from Gregg, to felicitate him for being delivered from an importunate man, as would appear by marshal

Tallard's letters, unless his last to monsieur Chamillard had not made him to determine otherwise.

V. A copy of another letter of Gregg to monsieur Chamillard, dated the 23d of December, O. S. which was also taken in marshal Tallard's packet, in which he pretends to give monsieur Chamillard an account of what passed in parliament, with the queen's answer to the address of the two houses, and his excuse for not sending the address itself.

VI. A letter of Robineau to monsieur Tallard, the 26th of December, N. S. from Paris (transcribed by Gregg in his own hand) in which he says, he was going to Versailles to deliver the answer, with which he was charged; that he received every post letters from the same person, and that he took care to deliver them according to the address.

VII. Another of the 30th of December 1707, N. S. that he had been to deliver, as monsieur Tallard had charged him, the answer to which was desired of Mr. Tallard.

VIII. Another letter in Gregg's hand, dated the 30th of December 1707, found in Gregg's closet, written to monsieur Chamillard, giving an account of the intention to send Mr. Palmér to Savoy, and to take several other German courts in his way.

IX. A confession of Gregg delivered to the lords of the committee, and signed by him.

1707. had but newly begun his designs of betraying secrets, and he had no associates with him in it. He told them, that all the

asked him, If he could give an account of the court of Denmark? Gregg said, He was willing to do it as well as he could; and, accordingly, in some time drew up a state of that court, and it was not disapproved.

He attended daily, and, on the 20th of April, Mr. secretary Harley gave him a note of twenty pounds, to be paid by his steward in Scotland-yard.

On the 23d of May 1705, he was ordered to go for Scotland, and about a week after set forwards on his journey. When he was dispatched, a note of thirty pounds was given to him.

Mr. secretary always amused him with telling him, he should have instructions for his directions in Scotland; but, at last, ordered him to draw up some queries himself about the state of affairs in Scotland; which he did, and they were approved.

Some of the queries were, What were the designs of the several parties? What correspondence between the Highlands and St. Germain? How affected to the house of Hanover, &c. He was also ordered to form a cypher of letters, whereby to design the great men there.

The 2d of June 1705, he arrived at Edinburgh, and wrote to Mr. secretary the Thursday following, being ordered to direct all his letters to Thomas Bateman in Scotland yard.

Mr. secretary promised the receipt of his letters should be

acknowledged; and he pressed often for it, to know they came to hand, fearing his letters were intercepted, because he was suspected as a spy in that country. But, though he wrote thrice a week, he never heard one word from Mr. secretary, or by his order, during his whole stay in that country.

Being asked by the lords, If he was recommended to any body in Scotland? he answered, No.

The 15th of October he arrived at London, and the next day waited on Mr. secretary, who thanked him for his letters, and told him, he had named him to the queen, upon occasion of a paper he had sent; but Mr. Gregg said, he believed the queen had never heard of his name, till this last unhappy accident.

On the 27th of October, Mr. secretary ordered him twenty-five pounds. He attended daily, and pressed much to be sent abroad, particularly to go with Mr. Methuen, when he was sent to Savoy, but it was declined.

On New-year's day Mr. secretary dropped a word, which startled him much: he told him, he would fix him; which Gregg understood was bringing him into his office.

Upon this he presented a petition, that he might not be in the office, because the salary was small; and, being in debt, he could not live on it.

He attended every day. The secretary inquired of him what he

the papers of state lay so carelessly about the office, that every one belonging to it, even the door-keeper, might have

1707-8.

he knew of languages. He said, he knew some French and German, but knew Latin better than either.

The 16th of April 1706, he was admitted into the office, and a note was given upon Mr. Jones, as for one of the clerks; and Mr. secretary told him, it was only to keep his hand in use, and that he would provide better for him.

The 16th of May, copying a letter sent to Mr. Vernon, that he was to consider of somebody fit to be left behind, Gregg thought it to be intended in his favour, and wrote to Mr. Vernon on that occasion, desiring his countenance.

But the 28th of May, Mr. secretary writing word to Mr. Vernon, that he had leave to come at his own time, but must leave somebody behind; and this being wrote before any answer could come from thence, Gregg saw nothing was meant for him in the former letter.

Gregg made offers of service to Mr. Pulteney, when he was to go, but he said he was provided.

Then he told Mr. secretary, his mind was depressed by his debts, and desired to be thrown abroad, and to go with Sir Philip Meadows; but that was refused, and Strahan was sent.

Then Mr. secretary asked, What would make him easy? And he gave in a list of his debts, amounting to about thirty-five pounds.

Since that Mr. secretary has ordered him at several times a-

bout twenty or five and twenty pounds in the whole; the last sum was seven pounds in October last, part of a bill of fourteen pounds, for which debt he was pressed at that time.

Being asked by the lords, if his debts only made him so desirous to be gone? He said, at that rate the business was managed in the office, it was a perfect drudgery.

Their business seldom began till about eleven or twelve at night, and they staid till two or three, or later, though sometimes not above two letters to dispatch; and he thought himself happiest, who could get away soonest.

The method was, first, the letters were taken in short hand; afterwards were wrote fair; then sent to Mr. secretary's house to be signed, and after returned to the office to be entered; so that they were obliged sometimes to stay till four o'clock in the morning.

He said, That in April last, when Hill the messenger was sent to Turin, the packet was left to him, though the youngest clerk, to be made up, and delivered to the messenger.

In that packet there was a letter to Sir John Norris, and another to Mr. Chetwynd. Most of the last letter was in cypher. Gregg entered both those letters. There was also another letter to Sir Cloudesly Shovel, and letters from the lord-treasurer. He put them all up in the packet, and after gave them to Hill.

K k

Being

1707-8. have read them all. Mr. Harley's custom was to come to the office late on post-nights; and after he had given his orders,

Being asked, If he knew by the letters what the design was? Gregg said, he understood Toulon was to be besieged. He could not read the whole; but knew enough to find out that. He said it was wrote in the cypher of the office by Mr. Harley, the earl of Sunderland being sick at that time.

The queen's letters de Cachet are made up before they are brought to the office; but the clerks are trusted to make up other letters.

The lords committees required him to give the whole relation of his correspondence, when it began, and how long it had been carried on.

Gregg said, the first motive of his writing to France, was in order to get money, by obtaining a pail, and that his first letter was the 24th of October last.

From his first entering into the office, he had always a great hand in perusing the French prisoners letters. That convenient opportunity, and his poverty, gave him the temptation.

The French prisoners letters came under a general cover, directed to Mr. Lewis. Marshal Tallard's letters are under a flying seal; the rest of them came always sealed, but are opened at the office.

Generally Mr. Lewis threw them down on the table, and left the perusing them to the clerks, to Mr. Mann and Gregg; and, since Mr. Mann left the office, they have been trusted wholly to Gregg.

If Gregg observed any thing, that he thought material, he made an extract of it, and shewed it to the secretary or under-secretary. He mentioned a particular extract he had made out of a letter of Mr. Chamillard to Mr. Tallard.

Letters came from Nottingham every post; sometimes twenty letters came to them in a day from France. These came always sealed. From the time he came into the office, these letters were never perused, either by the secretary or under-secretary; which he is sure of, because they were sealed when he looked on them. He cannot for that reason say, but Mr. Lewis might sometimes look into Mr. Tallard's letter, because that had a flying seal; but the rest were left sealed as they came by Mr. Lewis to the clerks perusal.

Gregg said, he had a dispute with Mr. Lewis upon the account of these letters, Gregg declaring, he thought it not to be a business fit for the under-clerks to be trusted with.

Mr. secretary Harley wrote a letter, in answer to one from monsieur Pontchartrain, thanking him for his civility to one Middleton.

In transcribing it, Gregg found it so ill-turned, and the French bad, that he acquainted the secretary with it at eleven o'clock at night in October last. This letter was stopped; but after Mr. Lewis sent it away as it was wrote at first.

The

Orders, and wrote his letters, he usually went away, and left all to be copied out, when he was gone. By that means 1707-8.

The rough draught of the queen's letter to the emperor, as it was ordered by the lord-treasurer, was left in the public book of the office, to be entered the same night it was to be sent away. There Gregg said he found it, and transcribed it, and any other clerk of the office might have done it as well as he.

All the books in the office lie in a press; the key is always in the door; and not only the clerks, but the chamber-keepers may have access.

All letters, except those wrote to the duke of Marlborough, are entered in the books; but those are only copied in loose sheets. Gregg said he had copied many of those.

The draught of the queen's letter to the emperor was prepared by Mr. Lewis; it was then written in the hand of Mr. Thomas, Mr. Harley's domestic clerk; the addition was in the lord-treasurer's own hand. Mr. Mann saw it as well as Gregg. Mann said to Gregg, That what was added by the lord-treasurer, was much the brightest part of the letter.

Gregg said, he sent all his letters to France under the cover to Mr. Robineau. He owned he sent the copy of the queen's letter to Mr. Chamillard the same night the queen's letter was dispatched to the emperor.

Gregg said further, that the letter in the queen's own hand was given to Gregg by Mr. secretary himself about one o'clock at night, and he was

solely intrusted to put it up in Sir Philip Meadow's packet, after every body had left the office.

Robineau, in his letter to Mr. Gregg, took notice, that he had delivered his letters to monsieur Chamillard; and that monsieur Chamillard sent to advise with marshal Tallard upon Gregg's proposal.

Upon this Gregg wrote a letter to marshal Tallard, of which he said he had no copy, but pretended to repeat the words of the letter to the lords committees.

The lords committees told Gregg, it would be expected by the house, that he should be very clear and particular, in declaring by what advice or encouragement he first began such a correspondence. He said, by none at all: he was tempted to it by the devil, and the hopes of getting money.

He said, that, upon hearing a French periwig-maker was committed to Newgate for high-treason, he had desired to be admitted again to the lords of the cabinet-council. But he would not own, that he knew the man, but said, he had since heard his name was Valiere or Clarke; he was told so by a gentlewoman who came to see him since his condemnation.

He said, he held no correspondence in England, but only in sending the common letter of the office, with other printed news-papers, to some gentlemen.

1707-8. means Mr. Gregg came to see every thing, in particular the queen's letter to the emperor. He said, he knew the design

Gregg said, he had been long acquainted with one Crookshanks, who promised him, that if he would procure a French pass, he should have two hundred guineas; and Gregg undertook to procure the pass.

The first time he wrote to Mr. Chamillard, was the 24th of October last.

Brown, a merchant, father-in-law to Crookshanks, and one Bollinger, a merchant, were acquainted with this agreement about the pass, and they dined together at Brown's house; and Brown undertook for the money, if the pass could be procured.

Gregg said, he acquainted Bollinger of his having sent a copy of the queen's letter to monsieur Chamillard, at the Cross-Keys Tavern in Covent-Garden, and shewed him extracts of marshal Tallard's and Robincau's letters. He said also, that he read the extracts of their letters at another time in English to Brown and Crookshanks.

The lords committees asked him, To what end he told Bollinger of what he had done, in sending the queen's letter to monsieur Chamillard? He only said, It was downright madness.

The lords committees asked him, If any body came to him? He said one Mr. Arbuthnot came to him and no body else; and his business was to bring him charity.

The lords committees asked Mr. Gregg, If he had no more

to acquaint their lordships with? He said, no. And being told by them, that it concerned him very much to consider of it; that the lords had observed he told them nothing but what he knew they had means in their hands to be fully informed of, without his saying any thing; and how hard it would be for the house of lords to believe, that he would venture upon such a correspondence without some support or encouragement; he persisted in it, that he had no more to say.

As the lords committees were risen up, and had called for the keeper to take Mr. Gregg away, he took a brown paper out of his pocket, which was sealed up, and took out of it a paper, which he said he had prepared against the queen's birth-day, and desired the lords to read it. It purposed to be a petition to the house of commons. He pretended he knew not how to get it delivered, because he concluded all the papers, sent by him, would be delivered to Mr. secretary Harley.

The lords, finding the paper to be addressed to the house of commons, told him, It was not proper for them to receive it, and delivered it immediately back to him.

The lords committees, as they went away, told Gregg, that if he would recollect himself, and set down in writing any thing that he thought might be for his own service, or of use to the queen and her government,

design on Toulon in May, but did not discover it; for he had not entered on his ill practices till October. This was all he could say. By the examination of Valiere, Bara, and of many others, who lived about Dover, and were employed by them, a discovery was made of a constant intercourse they were in with Calais, under Mr. Harley's protection. They often went over with boats full of wool, and brought back brandy, though both the import and export were severely prohibited. They and those who belonged to the boats carried over by them, were well treated on the French side at the governor's house, or at the commissary's; and were kept there till their letters could be sent to Paris; and till returns could be brought back; and were all the while upon free-cost.

The

vernment, he might send it to them, and the keeper should have directions to convey it safely.

The next morning Gregg sent a letter to the lords committees, which, as soon as they had perused, they returned to him again by a gentleman with the following message:

'The lords of the committee have ordered me to return this paper to you, they being of opinion, that it is not material to the examination, for which they were sent to you by the house.'

The lords committees think themselves obliged to acquaint the house, that they did not observe Gregg to be under any disorder or terror from the apprehension or sense of his danger.

The indictment of Gregg for his treasonable correspondence with her majesty's enemies was brought before the lords committees; which indictment he confessed upon his trial, and judgment was thereupon given against him.

The lords committees do think it their duty to acquaint the house, that they having been informed, by means of the keeper of Newgate, that one William Gregg had been formerly in Newgate, and indicted for counterfeiting the coin of the kingdom; and that it was talked amongst the turnkeys in the prison, that this was the same man, they sent to search the books in Newgate, and found there, that in May 1697, William Gregg and Elizabeth Gregg were indicted for counterfeiting the coin. Thereupon they sent for Mr. Tanner, who has the custody of those records: he brought the indictment before them; and it appeared that Elizabeth Gregg was found guilty and executed; but that William Gregg was acquitted; and Thomas Holloway and Simon Newport were the witnesses at the trial, who, as was said, are both dead since that time.

But one Thomas Kinferley and James Biddle, declaring that they both knew that Gregg, who

1707-8. The order that was constantly given them, was, that if an English or Dutch ship came up to them, they should cast their letters into the sea; but that they should not do it, when French ships came up to them; so that they were looked upon by all on that coast as the spies of France. They used to get what information they could, both of merchant-ships, and of the ships of war, that lay in the Downs; and upon that they usually went over; and it happened, that soon after some of the ships were taken. These men were papists, and behaved themselves very insolently, and boasted much of their power and credit. Complaints had been often made of them, but they were always protected; nor did it appear, that they ever brought any information of importance to Mr. Harley but once, when, according to what they swore, they told him, that monsieur Fourbin was gone from Dunkirk to lie in wait for the Russia fleet; which proved to be true; for he both went to watch for them, and took a great part of them. Yet, tho' this was the single piece of intelligence that they ever brought, Mr. Harley took so little notice of it, that he gave no advertisement to the admiralty concerning it. This particular excepted, they only brought over common news, and the Paris Gazettes. These examinations lasted for some weeks; and, when they were ended, a full report was made of them to the house of lords, who ordered the whole report, with all the examinations, to be laid before the queen in an address, importing, "That having been informed, that William Gregg, a clerk in the office of the late secretary Mr. Harley, had been indicted for high-treason, in holding correspondence with her majesty's enemies,"

Mar. 22.

who was then indicted, very well, and believed they should know him again, if they saw him; the lords committees sent them severally to see William Gregg now in Newgate, and they both of them did declare, that they believed and were confident, that the same person, now in Newgate, was the same William Gregg, who was then indicted, and whose supposed wife was then found guilty and burnt, and they did both of them voluntarily make oath to this effect; and James

Biddle swore, that, after the trial, the discourse in the neighbourhood was, that Elizabeth Gregg took the whole matter upon herself at the trial.

Their two affidavits are laid before your lordships.

After one of these persons had been to see William Gregg, William Gregg wrote a letter, directed to the lords of the committee, in which he did very positively deny, that he was the person who had been tried for coining in May 1697.

“ enemies, and betraying to them secrets of the highest
 “ importance ; and that upon his trial he had confessed the
 “ indictment, and, by that means, had prevented the ex-
 “ aminations, whereby the publick might have been truly
 “ informed of the particular nature and circumstances of
 “ his crime ; they thought themselves indispensably obliged,
 “ in duty to her majesty, and for the future safety of the
 “ kingdom, to do all in their power to find out the rise and
 “ progress of this dangerous correspondence. That, in
 “ order thereto, they addressed her majesty for all papers
 “ relating to the charge against William Gregg ; and her
 “ majesty having been pleased to give orders, that the pa-
 “ pers should be laid before them, they referred those papers
 “ to a committee, and directed them to examine Gregg,
 “ and to report the examination to the house ; as also what
 “ they observed upon the papers, together with such other
 “ matters, as they should think proper, upon their inquiry
 “ into the affair : and the report having been made, and
 “ taken into consideration by the house, they humbly con-
 “ ceived it to be very highly for her service to lay the same
 “ before her majesty. That being also informed, that one
 “ Alexander Valiere, otherwise called John Clarke, was
 “ in custody for holding correspondence with her majesty’s
 “ enemies, they thought themselves, in like manner, obli-
 “ ged to direct the committee to examine Valiere, and to
 “ inquire into the particulars and circumstances of his of-
 “ fence : that, this being accordingly performed by the
 “ committee, it was reported to them ; but the report con-
 “ sisting of very many examinations, they thought it would
 “ be of use to appoint a committee to digest and put the
 “ same into some method, to the intent they might be able
 “ to form a clearer and more distinct judgment of the whole
 “ affair ; and, that report being made and approved by the
 “ house, they conceived it would be of importance to her
 “ majesty’s service, for them to present the same to her
 “ majesty ; and, for her majesty’s more intire satisfaction,
 “ they begged leave to annex all the examinations at large
 “ to this address. That, having entered into a serious
 “ consideration of the several reports, they had unanimously
 “ come to the following resolutions. 1. That the crime,
 “ of which William Gregg stood attainted, was of so hain-
 “ ous a nature, and attended with such extraordinary cir-
 “ cumstances, that it might prove of very pernicious con-
 “ sequence, if he should not be made an example. 2.
 “ And that it plainly appeared to them, as well by what

1707-8. " Alexander Valière and John Bara, had informed against
 " each other, as by the many examinations taken concern-
 " ing them, that they were both in the French interest,
 " and unfit to be trusted or employed by any persons in her
 " majesty's service: and that the open and public manner
 " of the correspondence managed by them with the go-
 " vernors and committaries of Calais and Boulogne, could
 " tend only to carry on an intelligence to the advantage of
 " her majesty's enemies; and that it was highly probable,
 " that thereby the stations of our cruisers, the strength of
 " our convoys, and the times of sailing of our merchant-
 " ships, had been betrayed to the French." Their lord-
 " ships added, " That it was her majesty's glory, and the
 " happiness of Europe, that she was at the head of one of
 " the greatest confederacies that ever was known in history;
 " and it was the common concern of the whole alliance,
 " that her counsels should be kept with the strictest se-
 " crecy: but that, in the papers now laid before her, her
 " majesty would be pleased to observe, that some of her
 " resolutions of the greatest moment, and that required the
 " utmost secrecy, had been sent to her enemies by the same
 " post they were dispatched to the allies. That all the
 " papers in Mr. secretary Harley's office, had, for a consi-
 " derable time, been exposed to the view even of the
 " meanest clerks in that office; and that the perusal of all
 " the letters to and from the French prisoners, was chiefly
 " trusted to Gregg, a person of a very suspicious character,
 " and known to be extremely indigent. That it was not
 " easily to be known, what ill consequences might have
 " attended such negligence. But their lordships depended
 " upon it, that these matters being thus plainly laid open
 " to her majesty, they should be well secured against any
 " dangers of this nature for the future. That they were
 " further in duty bound to beseech her majesty, that all
 " possible methods might be used to put a stop to that dan-
 " gerous and (which might soon prove) fatal intercourse
 " between her majesty's subjects and France, which had
 " of late received so great an encouragement by the coun-
 " tenance and protection given to Valière and Bara; since,
 " unless that were effectually done, her majesty's enemies
 " would continue to have what intelligence they pleased;
 " her majesty's men of war and merchant ships would be
 " in danger of being betrayed to the French; and that
 " most destructive trade of sending wool to France, which
 " had been with much charge and trouble interrupted; and
 " in

"in good measure suppressed, would be revived to a greater degree than ever." 1707-8.

To this address the queen returned an answer, "That she was sorry, that any, who had been employed by those in her service, should have proved false to their trust, and injurious to the public. That she doubted not, the examples, laid before her by, their lordships, would be a sufficient warning to keep all matters of importance as secret as might be, and to employ such only, as there should be good grounds to believe would be faithful."

After the presenting of this address, Gregg was respited about a month longer, but, still refusing to make any farther discoveries, he was executed at Tyburn on the 28th of April, 1708. He left a paper with the sheriff (1), wherein

(1) It was in these terms:

"The crime, I am now justly to suffer for, having made a great noise in the world, a paper of more than ordinary length will be expected from the criminal, who therefore takes this last opportunity to profess his utter abhorrence and sincere repentance of all his sins against God, and of all the heinous crimes committed against the queen, whose forgiveness I most heartily implore, as I shall heartily pray for her majesty's long life and happy reign over her united people, and success against her enemies, with my parting breath.

"This is all the satisfaction I can possibly make injured majesty. I declare, in the next place, the reparation I would make, were it in my power, to those of her majesty's subjects I have wronged in any kind, and particularly the right hon. Robert Harley, Esq; whose pardon I heartily beg for basely betraying my trust; which declaration, though,

"of itself sufficient to clear the said gentleman; yet, for the sake of those, whom it was my misfortune not to be able to satisfy in my life-time, I do sacredly protest, that, as I shall answer it before the judgment-seat of Christ, the gentleman aforesaid was not privy to my writing to France directly nor indirectly; neither I, his unworthy clerk, any ways accessory to the miscarriage before Toulon, nor the losses by sea; all which happened before the first of my letters, which was writ the 24th of October 1707. As for my creditors, as I am in no condition to satisfy them, so I earnestly beg, they would forgive me; and I pray God to make up their losses sevenfold.

"For my part, I do freely forgive all men, and die in perfect charity with them, not without humble hopes of finding forgiveness, through the merits of Jesus Christ, with God, who in mercy touched my conscience so powerfully from

1707-8. wherein he entirely cleared Mr. Harley; though some suspected that gentleman to be the contriver of that paper, and ascribed the composedness, which appeared in Gregg's countenance, till he came to the place of execution, to a firm expectation, which he was made to entertain, of a reprieve; and others gave out, that he complained, That there was no trust in man; while, on the other hand, the seven lords of the committee, appointed to examine him, were afterwards reproached with having endeavoured to suborn Gregg, and engage him, by a promise of pardon, to accuse Mr. Harley (1).

Enquiry into the affairs of Spain. During these proceedings, an enquiry into the affairs of Spain was begun in both houses. The earl of Peterborough had

Burnet.
Pr. H. C.

‘ from the beginning, as so pre-
‘ vent my prostituting the same
‘ to save my life; for which
‘ instance of his love, to be pre-
‘ ferred before life itself, I bless
‘ and magnify his holy name
‘ with unpeakable joy and com-
‘ fort at my death, nothing near
‘ so ignominious as would have
‘ been such a life.

‘ After this occasion, the duty
‘ of a dying man leads me to
‘ profess the religion, in which
‘ I was brought up, and do
‘ now die, which is the pro-
‘ testant. The scandal given
‘ thereunto by my enormous
‘ practices cannot be better
‘ taken away, than by my pub-
‘ lishing to the world my hearty
‘ sorrow for those sensual plea-
‘ sures, which have proved my
‘ bane. Therefore let all, who
‘ shall read this poor paper,
‘ take warning by me to shun the
‘ like youthful lusts; to which
‘ whoever gives up himself,
‘ cannot tell how far they may,
‘ when indulged, carry him,
‘ even to the committing such
‘ crimes, as he thought himself
‘ incapable of some time a day,
‘ of which truth I, to my woful

‘ experience, am a melancholy
‘ instance. But, at the same
‘ time, I appeal to the great
‘ God, before whom I am go-
‘ ing to appear, that, notwith-
‘ standing all the pains taken to
‘ make me out an old offender,
‘ by fastening on me the crime
‘ of counterfeiting the coin, this
‘ is the first fault, that ever I
‘ ventured upon; which was
‘ not out of any zeal for the
‘ pretender, whom I not only
‘ disown at my death, but so-
‘ lemnly declare, that, in all
‘ my life, I never thought he
‘ had a right to these realms,
‘ how foolishly soever I may
‘ have rendered myself obno-
‘ xious in this particular; but
‘ the only motive of my mad
‘ undertaking was money (of
‘ which I never received any)
‘ on account of the ship-pais,
‘ though I have met with the
‘ more just reward of such se-
‘ cret services intended by

‘ William Gregg.”

(1) Dr. Swift, in his *Examiners*, has several passages to this purpose.

In No. XXXII. for March 15, 1710-11, he writes thus:

, And

1707-8.

had received such positive orders for recalling him, that, though he delayed as long as he could, yet at last he came home in August, 1707; but the queen, before she would admit him into her presence, required of him an account of some particulars in his conduct, in military matters, in his negotiations, and in the disposal of the money remitted to him; to which he made such general answers, as gave little satisfaction; but seemed to reserve the matter to a parliamentary examination, which was now entered upon by both houses. All the Tories magnified his conduct, and studied to detract from the earl of Galway; but it was thought, that the ministry were under some restraints with relation to the earl, though he did not spare them; which gave occasion to many to say, they were afraid of him, and durst not provoke him. The Whigs, on the other hand, made severe remarks on his conduct. The complaints which king Charles of Spain made of him, were read; upon which he brought such a number of papers, and so many witnesses to the bar, to justify his conduct, that after ten or twelve days, spent wholly in reading papers, and in hearing witnesses, both houses grew equally weary of the matter; so that, without coming to any conclusion, or to any vote, they let all, that related to him, fall. But that gave them a handle to consider the present state of affairs in Spain; in which it was found, that of the twenty-nine thousand three hundred and ninety-five English forces, provided by parliament, for the service of Spain and Portugal, in the year 1707, there were but eight thousand six hundred and sixty men in Spain and Portugal, at the time of the battle of Almanza

And here it may be worth observing, how unanimous a concurrence there is between some persons, once great in power, and a French papist [Guiscard] both agreeing in the great end of taking away Mr. Harley's life, tho' differing in their methods; the first proceeding by subornation, the other by violence; wherein Guiscard seems to have the advantage, as aiming no further than his life, while the others designed to destroy, at

once, both that and his reputation. The malice of both against this gentleman seems to have risen from the same cause, his discovering designs against the government. It was Mr. Harley, who detected the treasonable correspondence of Gregg, and secured him betimes, when a certain great man, who shall be nameless, had, out of the depth of his politics, sent him a caution to make his escape, which would certainly have fixed

1707-8. Almanza (1), and that not above half the Officers, who belonged to those bodies, served there. This gave the house of commons a high distaste; and it was hoped by the Tories, that they should have carried the house to severe votes and

war

fixed the appearance of guilt upon Mr. Harley; but, when that was prevented, they would have inticed the condemned criminal with the promise of a pardon, to write and sign an accusation against the secretary. But to use Gregg's own expression, his death was nothing near so ignominious, as would have been such a life, that must have been saved by prostituting his conscience. Dr. Swift repeats the same charge in the Examiner, No. XXXIII. and was answered in the Medley, No. XXVI. and in a pamphlet, printed in 1711 in 8vo, intitled, A letter to the seven lords of the committee appointed to examine Gregg.

(1) By the earl of Galway's list of the forces in Spain, there were present at the battle of Almanza ——— 8910
In quarters and garrison ——— 3702
Prisoners ——— 1850
Officers and servants of six regiments reduced a little before the battle ——— } 1189

In all 15651

The earl of Galway's reasons why the rest were absent.

The estimate granted for Spain and Portugal for the service of the year 1707, amounts to } 29393

To make up which number, there were in Spain, at the time of the battle of Almanza, according to the return made by the earl of Galway to the house of commons, besides a battalion of guards, three of marines, a detachment of Carpenter's and Essex's dragoons ——— } 13759

To which is to be added, the two regiments of foot of Colonel Hill's and Sir Charles Hotham's, twice demanded for in the said estimate, and therefore must be once deducted making ——— } 1710

The earl of Barrimore's regiment, which had been reduced by the earl of Peterborough, and was, at the time of the battle of Almanza, raising in England ——— } 876

The servants of the officers belonging to the several regiments actually in Spain, and not reduced at the time of the battle of Almanza ——— } 1833

The

warm addresses on that head; which was much laboured by 1707-8. them, in order to load the ministry. In this Mr. Harley and his party were very cold and passive; and it was generally believed, that the matter was privately set on by them. The commons, on the 5th of Feb. addressed the queen, desiring that she would order an account to be laid before them, how it came to pass, that there were no more English forces in Spain and Portugal, at the time of the battle of Almanza, and that she would use her utmost endeavours that the war in Spain might be vigorously and effectually prosecuted. To this address the queen sent an answer, by which it appeared, Feb. 18; that, though by death and desertion the number of the troops

The widows men for all the regiments then in Spain, as allowed by act of parliament	}	151
The earl of Galway having already taken credit in his account, for the officers and servants belonging to the regiments of Farrington, Hamilton, Mohun, Brudenell, Allen, and Toby Caulfield, that were reduced some time before the battle of Almanza, but still in Spain, there remains to be charged, in this account, the private men only of those regiments, whose pay was stopped, and applied to their levying again in England that very year		
The non-commission officers, and private men of Blesset's regiment, which make a part of the twenty-nine thousand, three hundred, and ninety-five, and are not charged in my lord Galway's account of effectives, because they were reduced by my lord Rivers, and incorporated into Syburgh's	}	622

3741

22692

So there only remains, out of the twenty-nine thousand, three hundred, and ninety-five men, provided for by parliament, six thousand, seven hundred and three, either officers or soldiers, to be accounted for by loss in transportation, by death, desertion, and by absence on account of sickness, or recruiting; to supply which defects, one battalion of guards, three of marines, and a detachment of dragoons were sent to Spain, and four regiments of foot to Portugal, which were not a part of the establishment for Spain or Portugal, but were effectually four thousand seven hundred and ninety-two men.

Galway.

1707-8. troops in Spain was much diminished, yet the whole number provided, or at least very near it, was sent out of England. Notwithstanding this answer, the commons renewed the addresses they had presented before, about the forces maintained by the kings of Spain and Portugal, to which the queen gave the following answer: "That, in relation to that part of the address, which concerned the forces of the king of Spain, her majesty has ordered to be laid before the house a list of the troops provided by the king of Spain, for the service of the year 1707: And, in relation to the troops of Portugal, her majesty had, ever since the treaty with that crown, given directions to her ministers there, to use all possible means, that his majesty should furnish the whole number of men agreed for by the treaty: And she hoped, that those instances had, in a great measure, had their desired effect." At the same time she observed, "That the methods of discipline there made it impossible to know the number of those troops with the same exactness, as is practised in other parts. And considering with what chearfulness and success they marched through Spain to Madrid, and the losses they sustained; and being very well assured, that the king of Portugal had lately raised, and was still raising a considerable number of forces; her majesty had not thought it adviseable to make too nice an inquiry into the state of those troops; especially, since she was very sensible how diligent the enemy was in making continual applications, to break an alliance of so great importance to the common cause."

The next day the commons took into consideration the queen's answer to their address of the 5th of February, and the question being put, "That the deficiency of the British troops in Spain and Portugal, at the time of the battle of Almanza, had been chiefly occasioned by the want of timely and effectual recruits being sent thither;" It passed in the negative; and, on the contrary, an address was voted, and presented to the queen by the whole house, "returning her the thanks of the house, for her taking measures to restore the affairs in Spain, and for providing foreign troops for that service." To which the queen replied, "That she had always looked upon the war of Spain to be of so great importance to us, that she could never fail of continuing her utmost application to support it in the most effectual manner; and that the satisfaction they had expressed, in their address for her endeavours in this matter,

“ter, was extremely acceptable to her.” The service in Spain was much decried, and there was good reason for it: Things there could not be furnished but at expensive rates, and the soldiers were generally ill used in their quarters, and were treated very unkindly, not by king Charles, but by those about him, and by the bigotted Spaniards. 1707-8.

The same day the address about the forces in Spain was presented to the queen, there was a great debate in the grand committee of the house of lords, occasioned by a bill passed by the commons, for rendering the union of the two kingdoms more intire and compleat; whereby, in the first place, it was enacted, “That, from the first of May, 1708, there should be but one privy-council in the kingdom of Great-Britain.” All the court was against this bill. Those, who governed Scotland, desired to keep up their authority there, with the advantage they made by it; and they gave the ministers of England great assurances, that by their influence elections might be so managed, as to serve all the ends of the court; but they said, that, without due care, these might be carried so, as to run all the contrary way. This was the secret motive; yet this could not be owned in a public assembly; and therefore that, which was pretended, was, that many great families in Scotland with the greatest part of the Highlanders, were so ill-affected, that, without a watchful eye, ever intent upon them, they could not be kept quiet. It lay at too great a distance from London, to be governed by orders sent from thence. To this it was answered, that by the circuits of the justiciary courts, and by justices of peace, that country might be well-governed, notwithstanding its distance, as Wales and Cornwall were. The bill had been carried in the house of commons by a great majority, that there should be only one privy-council for the whole island. But, in the house of lords, it met with a considerable opposition. The court stood alone; all the tories, and the much greater part of the whigs, were for the bill. The court, seeing the party for the bill so strong, were willing to compound the matter; and whereas, by the bill, the council of Scotland was not to sit after the first of May, the court moved to have it continued to the first of Oct. It was visible, that this was proposed only in order to the managing elections for the next parliament; for which reason the lords adhered to the day prefixed in the bill. But a new debate arose about the power given by the bill to justices of peace, which seemed to be an incroachment on the jurisdiction of the lords regalties, and of

Proceed-
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Scotland.
P.R.H.L.
Burnet.

1707-8. of the hereditary sheriffs and stewards, who had the right of trying criminals, in the first instance, for fourteen days time; yet it was ordinary, in the cases of great crimes and riots, for the privy-council to take immediate cognizance of them, without any regard to the fourteen days: So that by this act the justices of peace were only impowered to do that, which the privy-council usually did; and, except the occasion was so great, as to demand a quick dispatch, it was not to be doubted, but that the justices of peace would have great regard to all private rights. Yet, since this had the appearance of breaking in upon private rights, this was much insisted on by those, who hoped, by laying aside these powers given to the justices of peace, to have gained the main point of keeping up a privy-council in Scotland. For all the Scots ministers said, that the country would be in great danger, if there were not a supreme government still kept up in it. But it seemed an absurd thing, that there should be a different administration, where there was but one legislature. While Scotland had an intire legislature within itself, the nation assembled in parliament could procure the correction of errors in the administration; whereas now, that it was not a tenth part of the legislative body, if it was still to be kept under a different administration, that nation could not have strength enough to procure a redress of its grievances in parliament; by which means they might come to be subdued and governed as a province. And the arbitrary way, in which the council of Scotland had proceeded ever since king James the First's time, but more particularly since the Restoration, was fresh in memory, and had been no small motive to induce the best men of that nation to promote the union, that they might be delivered from the tyranny of the council; and their hopes would be still disappointed, if they were still kept under that yoke. This point was in conclusion yielded, and the bill passed by a majority of fifty lords against forty-five, though to the great discontent of the court. There was a new court of exchequer created in Scotland, according to the frame of that court in England. Special acts were made for the elections and returns of the representatives in both houses of parliament; and such was the disposition of the English to oblige them, and the behaviour of the Scots was so discreet, that every thing, that was proposed for the good of their country, was agreed to: Both whigs and tories vied with one another, who should shew most care and concern for the welfare of that part of Great-Britain.

On the 11th of February there happened an important change in the administration in England, for Mr. Henry Boyle, uncle to the earl of Burlington, and chancellor of the Exchequer, was made secretary of state, in the room of Mr. Harley. Probably the affair of Gregg, Valiere, and Bara, which in some measure affected Mr. Harley's credit, made him more earnest to bring about a change in the conduct of affairs, in which he relied on the credit of the new favourite, Mrs. Masham. The duke of Marlborough, and the lord-treasurer, having discovered many of his practices, laid them before the queen, who would believe nothing; that was suggested to his prejudice. Her majesty denied, that she had given any authority for carrying messages to the Tories; but would not believe, that he or his friends had done it, nor would she enter into any examination of his ill-conduct, and was uneasy, when she heard it spoke of. These lords wrote therefore to the queen, that they could serve her no longer, if he was continued in that post; and, on the Sunday following, when they were summoned to a cabinet council, they both went to the queen and told her; that they must quit her service, since they saw, she was resolved not to part with Mr. Harley. Her majesty seemed not much concerned at lord Godolphin's offering to lay down; and it was believed to be a part of Mr. Harley's new scheme to remove him; but she was much touched with the duke of Marlborough's offering to quit, and studied, with some soft expressions, to divert him from that resolution: But he was firm, and did not yield to them. Upon this they both went away, to the wonder of the whole court. Immediately after, the queen went to the cabinet council; and Mr. Harley opened some matters relating to foreign affairs. The whole board was very uneasy; the duke of Somerset said, That he did not see how they could deliberate on such matters, since the general was not with them. He repeated this with some vehemence, while all the rest looked on so cold and sullen, that the cabinet council was soon at an end; and the queen saw, that the rest of her ministers, and the chief officers, were resolved to withdraw from her service, if she did not recal the two, who had left it. It was said, that she would have put all to the hazard, if Mr. Harley himself had not apprehended his danger, and resolved to lay down. The queen sent the next day for the duke of Marlborough, and, after some expostulations, she told him, that Mr. Harley should immediately leave his post, which he did within two days. But the

Harley
quit, and
Boyle is
made se-
cretary of
state in
his room.
Burnet.

1707-8. queen seemed to carry a deep resentment of his and the lord Godolphin's behaviour on this occasion; and, though they went on with her business, they found they had not her confidence. The duchess of Marlborough, for some weeks, abstained from going to court; but afterwards, that breach was made up in appearance, tho' it was little more than an appearance. Both houses of parliament expressed a great concern at this rupture in the court, and apprehended the ill effects, which it might have. The commons let the bill of supply lie on the table, though it was ordered for that day. Upon Mr. Harley's removal, Sir Simon Harcourt the attorney general, Sir Thomas Mansell comptroller of the household, and Mr. St. John secretary at war, laid down likewise their posts (1). A

(1) The duchess of Marlborough, in the account of her conduct, p. 252, &c. speaks of this affair in the following terms: The duke of Marlborough and lord Godolphin had often told the queen in the most respectful manner, that it was impossible for them to do her any service, while Mr. Harley was in her confidence. Her majesty nevertheless seemed determined not to part with him, till at length those two lords, being urged by necessity to it, declared their resolution to serve no longer with him; and they absented themselves from the council. Mr. Harley would have proceeded to business without them, when the council met, but the duke of Somerset said, he did not see how it could be to any purpose, when neither the general nor the treasurer was present; whereupon the council immediately broke up. This had such an effect upon the queen, that, very soon after, Mr. Harley was dismissed from his post. Such a compliance with the ministers seemed to the eye of the world a very great concession, but was

in truth nothing. For it was evident by what followed, that this appearance of giving up Mr. Harley was with his own consent, and by his own advice, who, as long as Mrs. Masham continued in favour, would, under pretence of visiting her, who was his cousin, have all the opportunities he could wish for, of practising upon the passions and credulity of the queen; and the method of corresponding with him had been settled some time before. — I was fully apprized of all this, continues the duchess; yet I resolved to try, if by being easy and quiet I could regain any influence with her majesty. She had given me some encouragement to hope it. For when, a little before Mr. Harley's dismissal, lord Marlborough resolved to quit the service; and when, on that occasion, I had with tears (which a tender concern at the thought of parting from her majesty made me shed) represented to her, that, if the duke retired, it would be improper and even impossible for me to stay at court after him; she declared, that

A few days after this breach at court, the nation was suddenly alarmed with the news of an invasion. The French king, to retaliate the late attempt upon Toulon, resolved to carry the war into Great-Britain, by sending the pretended prince of Wales to Scotland with a fleet and army, to possess himself of that kingdom, being induced thereto by the hope given him, that the Scots were so highly discontented on account of the union, as to be ripe for a revolt, and ready to join him on his arrival amongst them. The necessary preparations for the expedition were carried on at Dunkirk with all imaginable diligence, and with such secrecy, that the design was rather guessed at than known, till the pretender himself set out from St. Germain's, when it was no longer a mystery, that he intended to make a descent upon Scotland. The day before his departure, the French king went to St. Germain's to take his leave of him, and with him success; presented him with a sword enriched with diamonds of a considerable value, and desired him always to remember, that it was a French sword. The chevalier de St. George (for this was the name the pretender assumed in this adventure) answered the compliment with assuring him, "That, if it was his good fortune to get possession of the throne of his ancestors, he would not content himself with returning him thanks by letters, and ambassadors, but would shew his gratitude by deeds: Nay, he would come in person to acknowledge his majesty's protection and assistance." To which the French king replied, He hoped never to see him again. Upon his arrival at Dunkirk; the pretender was furnished with very fine tents, a large set of gold and silver plate of curious workmanship;

1707-8.

A descent
designed
upon
Scotland.
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Europe
Pt. H. C.

March 7.

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man'ship;

she could not bear the thought of my leaving her; and that it must never be. And at that time she made me a promise, that if ever I should leave her (which, she again said, must never be) she would bestow my offices among my children. Nay, the whigs had some reason to flatter themselves about this time, that her majesty would become better disposed to them, than she had hitherto been. The pretender's attempt to land in Scotland, which happened a-

bout this time, gave her an alarm, that seemed to bring a conviction along with it, that the whigs were the most to be depended upon for the support of her government; at least what she said, in answer to the lords address upon the occasion, had this appearance. But as the danger presently blew over, and as her fears ceased with the cause of them, so all the hope, which the whigs had raised in themselves from those fears, presently vanished.

1707-8. manſhip, cloaths for his future life-guards, liveries for his houſhold, and other neceſſaries; towards the charge of which, and of this armament, the pope was ſaid to have contributed a conſiderable ſum of money (1). The pretender's motto upon the colours and ſtandards were, Dieu & mon droit, "God and my right:" Nil deſperandum Chriſto, duce & auſpice Chriſto. "I ought not to deſpair, ſince Chriſt is my guide and helper:" And Cui venti & mare obediunt, impera, domine, & fac tranquillitatem; "Thou, Lord, whom the winds and ſea obey, command, that it be calm."

The preparations of the French at Dunkirk gave great uneaſineſs to the States-General, who concerted with the Britiſh miniſters the neceſſary meaſures for diſpelling the ſtorm, which ſeemed to threaten her Britanniſh majeſty's dominions, of which they gave timely information to the queen; as did likewise her envoy, major-general Cadogan, who had early intelligence of the deſign from a Jew reſiding at Dunkirk.

The commons acquainted with it.

March 4.

Upon this Mr. ſecretary Boyle acquainted the commons, "That her majeſty had commanded him to lay before the houſe ſeveral advices received the night before, and that
" morn-

(1) The French king wrote the following letter to the pope, upon occaſion of the pretender's expedition:

" Holy father,
" The great zeal, which I have always had to re-eſtabliſh on the throne of England king James Stuart III, is well known to you; though there was not hitherto a time proper for it, as well by reaſon of the conjunctures, as by the unity of my enemies, which did not give me leave to act in ſo righteous a cauſe for our holy faith, the chief object of all our actions. We have now thought good to let him depart from our royal ſeat, on the 7th of March, in order to embark himſelf on board a fleet, where every thing has been prepared for

him, with ſufficient forces to eſtabliſh him on the throne, after he ſhall have been received on his arrival by the faithful people of Scotland, and proclaimed as their true and lawful king. I have thought it fit not to omit ſending you this important news, that by your ardour the union of our holy mother the church may increaſe in that kingdom, and that God may proſper him, whiſt the time is favourable. It is now, holy father, your buſineſs to accompany him by your zeal with your holy benedictions, which I alſo aſk for myſelf; and I remain, holy father, your moſt loving ſon.

" L O U I S.
" Verſailles, March 9.
1708.

“ morning, of great preparations at Dunkirk, for an im-
 “ mediate invasion upon England by the French, and of
 “ the pretended prince of Wales’s being come to Dunkirk
 “ for that purpose.” The letters and extracts relating there-
 to being read, it was unanimously resolved to present the
 following address to her majesty, in which the house of lords
 readily concurred.

1707-8.

“ We your majesty’s most faithful and obedient subjects,
 “ the lords spiritual and temporal and commons of Great-
 “ Britain in parliament assembled, do beg leave to return
 “ our most hearty thanks to your majesty for being gra-
 “ ciously pleased to communicate to your parliament the
 “ intelligence you have received of an intended invasion of
 “ this kingdom by the pretended prince of Wales, support-
 “ ed by a French power.

The ad-
 dress of
 both
 houses
 upon it:
 March 5.

“ We are so sensible of the happiness we enjoy under
 “ your majesty, and are so affected with the dangerous
 “ consequences of such an attempt, both to your person
 “ and government, that, with hearts full of concern for
 “ your majesty’s safety, we beseech your majesty, that you
 “ will be pleased to take particular care of your royal
 “ person: and we, on our part, are fully and unanimously
 “ resolved to stand by and assist your majesty with our lives
 “ and fortunes, in maintenance of your undoubted right
 “ and title to the crown of these realms, against the pre-
 “ tended prince of Wales, and all other your enemies both
 “ at home and abroad.

“ The care your majesty has taken for the defence of
 “ your dominions, and particularly in fitting out so great
 “ a fleet in so short a time, gives satisfaction and en-
 “ couragement to all your good subjects, who are likewise
 “ very sensible of the zeal the States-General have shewn
 “ upon this occasion.

“ As a farther instance of our duty, we humbly desire,
 “ that you will be pleased to order, that the laws against
 “ papists and nonjurors be put in execution; and that di-
 “ rections be given to seize and secure such persons, with
 “ their horses and arms, as your majesty shall have cause
 “ to suspect are disaffected to your person and govern-
 “ ment.

“ And as we doubt not, but, by the blessing of God up-
 “ on the continuance of your majesty’s care, your enemies
 “ will be put to confusion, so we readily embrace this op-
 “ portunity, to shew to your majesty and the whole world,

1707-8. "that no attempts of this kind shall deter us from sup-
 porting your majesty in a vigorous prosecution of the pre-
 sent war against France, until the monarchy of Spain
 be restored to the house of Austria, and your majesty
 have the glory to compleat the recovery of the liberties of
 Europe."

To this address her majesty was pleased to answer in the following terms,

"My lords and gentlemen,

"I have such intire dependance on the providence of
 God, and so much trust in the faithful services of my
 good subjects, that I hope this attempt will prove dan-
 gerous only to those, who undertake it.

"I am extremely sensible of your concern and affection
 for me and my government, and shall have a very par-
 ticular regard to the advice you give me upon this oc-
 casion.

"I am also very well pleased with the justice, which you
 have done the States-general, in taking notice of their
 timely care for our safety, and their readiness to give us
 all possible assistance.

"The firm resolution, which you express upon all oc-
 casions, of supporting me in bringing this war to a safe and
 happy conclusion, as it is most essentially obliging to me;
 so I assure myself, it will mightily dishearten our com-
 mon enemies, and give the greatest encouragement and
 advantage to all our allies."

The parliament passed two bills; the one, that the ab-
 juration might be tendered to all persons, and that such as
 refused should be in the condition of convict recusants.
 By the other, the Habeas Corpus act was suspended till Octo-
 ber, with relation to persons taken up by the government on
 suspicion. The pretender and his adherents were pro-
 claimed traitors and rebels.

Prepara-
 tions a-
 broad
 against the
 invasion.

Upon the first notice of the French armament in Dun-
 kirk, major-general Cadogan repaired to Brussels, and con-
 sulted with monsieur d'Auverquerque the march of the Bri-
 tish forces to be shipped off for Great-Britain, and how to
 supply their room in their several garrisons. From Brussels
 he went to Ghent; and having conferred with general
 Lumley, the governor of that place, and commander in
 chief of the British troops, orders were given to ten bat-
 talions,

1707-8.

talions, one of the guards, two of Orkney's, one of Argyle's, one of Primrose's, one of Lalo's, one of Howe's, one of Ingoldesby's, one of North and Grey's, and one of Godfrey's, to hold themselves in readiness to march at an hour's warning. This done, Cadogan repaired to Ostend, to forward the preparations, which, by his early directions, were making there for the embarking of those regiments, as soon as there should be certain advice, that the twelve French battalions, that were to attend the pretender in his expedition, were actually on board. On the other hand, the admiralty of Great-Britain fitted out a fleet with such incredible diligence, that (without diminishing the convoy provided for the Lisbon fleet, which consisted of twelve British, and five Dutch men of war, under the command of Sir John Leake) Sir George Byng and the lord Dursley sailed from Deal towards the coast of Dunkirk, on the 27th of February, O. S. in the morning, with twenty-three British and three Dutch men of war, and one British fire-ship. The same day, about noon, Sir George Byng came to an anchor in Gravelin-Pits; and, immediately after, went into a small frigate, and sailed within two miles of Flemish-road, from whence he had a prospect of the ships that lay there; and, the next day, learned from a fisherman, taken off the shore, the number and strength of the enemy's ships; that about ten thousand men were in and about Dunkirk, ready to embark; that they expected every day several ships from Brest; and that the pretender was come to Gravelin in his way to Dunkirk; where he arrived on the 9th of March, N. S. in the morning.

The French, who imagined that admiral Leake might by this time have sailed for Lisbon, and consequently, that Great-Britain was unprovided of shipping, were so confident of the measures they had taken, that they publickly boasted, That God alone could disappoint their designs. But so great was their surprize, upon the British fleet's appearing off Mardyke, that a stop was put to the embarkation of their troops, and frequent expresses were dispatched to Paris for new orders. The count de Fourbin, who commanded the enemy's squadron, having represented to the French king, that he might indeed get out of Dunkirk harbour, and perhaps land the troops; but that he could not answer for his majesty's ships (1); that monarch, who was

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fully

(1) He observes in his memoirs, that he had no opinion of this enterprize. 'All the time I staid at court, says he, I made

1707-8. fully determined on this expedition, sent him positive orders to re-embark his troops, and to put to sea with the first fair wind. In the mean time, the enemy gave out, that their disembarking of the troops at Dunkirk was upon account of the pretender's being indisposed with the measles, attended with an ague; but, as soon as the French king's last orders came, that pretence vanished; the prince was said to be perfectly recovered; and count Fourbin having, on the 14th of March, N. S. received advice from Boulogne, that the British fleet, being forced from their station by high winds, was seen off that place, steering, on the 12th, for the Downs, they began, at two in the afternoon, to reimbark their forces. The wind turning fair for them on the 17th of March, N. S. they took that opportunity, and sailed at four in the afternoon from the road of Dunkirk; but, the wind changing about ten at night, they were obliged to come to an anchor in Newport-Pits; where they continued till the 19th, at ten in the evening, when the wind changing, they set sail again, steering their course for Scotland. On the other hand, the fleet under the command of Sir George Byng,

made several attempt to persuade the ministers to drop an enterprize, which I saw would be so unprofitable: I quite tired myself with representing the inconveniences of it; I told the prime minister again and again, that the best we could make of it would be an unprofitable and dishonourable cruize; that I was thoroughly mortified at his majesty's having made choice of me for an expedition, which had all the evidence of being attended with ill success: That, if a descent was made, the six thousand men would surely be lost, and the forces of the kingdom diminished in proportion, besides the scandal of giving into a chimerical enterprize, which ought to be looked upon as a mere dream. The answer to all this was, The loss of the six thousand men gives us no

trouble; the king of England, forsooth, so they miscalled the pretender, must be satisfied. I never could get any thing else out of the ministry. The night before I set out for Dunkirk I went to court to take my leave of the king: Monsieur Le Count, said his majesty, you are sensible of the importance of your commission, I hope you will discharge it like yourself. Sir, replied I, your majesty does me very great honour, but, if you will vouchsafe me a moment's audience, I have several things to represent to you concerning this commission. The king who had been informed by the minister of the objections I had made to it all along, only said, Monsieur Fourbin, I wish you a good voyage, I have affairs upon my hands, and cannot hear you now.

Byng, which came back into the Downs the $\frac{2}{17}$ of March, and 1707-8. was since reinforced to the number of above forty men of war of the line of battle, besides frigates and fireships, set sail again the $\frac{6}{17}$ on a signal given by one of the scouts, who observed six ships to the westward, supposed to be the Brest Squadron. On the $\frac{2}{20}$ th, at ten in the morning, Sir George Byng, who was then between Dunkirk and Calais, received intelligence by an Ostend ship, sent out by major-general Cadogan, of the sailing of the Dunkirk Squadron from Newport-Pits: Upon which he called a council of war, and according to the resolution taken in it, sailed immediately in pursuit of the enemy; having first made a detachment of a strong Squadron, under the command of admiral Baker, with instructions to convoy the troops, that were embarked at Ostend, and to look after the ships still remaining in Dunkirk road.

In the mean time, the parliament proceeded with great unanimity and vigour in their resolutions, for the support of the government against the pretender and his adherents. They passed a bill to discharge the clans of Scotland from their vassalage to their heads, who should take up arms against the queen. This bill was chiefly owing to major-general Stanhope, and Sir David Dalrymple; but, the enemy not landing in Scotland, the bill had no effect. On the 10th of March, the queen came to the house of peers, and made a speech to both houses, importing, "That she had received advices that morning from Ostend, that the French fleet sailed from Dunkirk on Tuesday, at three in the morning, northward, with the pretender on board: That Sir George Byng had notice of it the same day at ten, and he being very much superior to the enemy, both in number and strength, her majesty made no question, but, by God's blessing, he would soon be able to give a good account of them. That she had also advice, that ten battalions of her troops were embarked at Ostend ready to sail with their convoy, as there should be occasion: And that she should continue to take all proper measures for disappointing the enemy's designs." Hereupon the house of commons unanimously voted the following remarkable address, which was presented to the queen by the whole house:

" Most

1707-8.

The commons addressed.

March 13.

“ Most gracious sovereign,

“ **W**E your majesty’s most dutiful and loyal subjects, the commons of Great-Britain in parliament assembled, humbly wait on your majesty, to express the great sense we have of your grace and favour, in communicating to us from the throne the account of the French king’s persisting to invade your dominions, and to impose a pretender upon these realms, over which your majesty is rightful and lawful sovereign.

“ The small number of ships and troops, with which this project is prosecuted, notwithstanding the great naval force your majesty has fitted out with so much expedition, as it ought to be regarded with contempt on the one side, so on the other it gives us just cause to believe, that their chief dependance is upon some of your subjects, whose restless passions and arbitrary principles have, for some years, engaged them in forming designs to undermine and destroy the most happy establishment that the government of this island was ever founded upon.

“ The defence of your majesty’s person and government, and the support of the protestant succession, are things so sacred to us and your people, that, as a demonstration of our unfeigned zeal to assist and support your majesty to the utmost of our power, we do, in the name of the commons of Great-Britain, give you this assurance, that whatever charge you shall be at by augmenting your troops at home, and replacing those you have recalled from abroad, or for such other services, as your majesty shall judge necessary upon this extraordinary occasion, shall be effectually made good. And as we humbly recommend it to your majesty, that the severest punishments may be inflicted upon such as shall assist in so unnatural a design, as that of betraying your majesty and their country; so we doubt not but you will give suitable encouragement to all those, who shall shew their fidelity, by opposing the invader and his accomplices in Scotland, or wherever the descent shall be.

“ Your majesty wants no incitement to a steady prosecution of the war, in which you are engaged for the common cause; yet permit us to take this opportunity to intreat your majesty, that this enterprize may no ways divert your constant vigour, that all the world may see, that both your majesty and your people are deter-

“ mined

“ mined to support your allies in all parts, whatever attempts
 “ are made at home. 1707-8.

“ May it please your Majesty,

“ There can be nothing so dangerous or fatal to the safety
 “ of your royal person, and the security of the present
 “ happy establishment, as those persons, who endeavour
 “ to create divisions and animosities among your faithful
 “ subjects, or by any artful methods lessen the just esteem
 “ your majesty has for those, who have so eminently, and
 “ in so distinguishing a manner, commanded your armies,
 “ and managed your treasure, to the honour and glory
 “ of your majesty abroad, and the intire satisfaction of
 “ your people at home. We therefore humbly beg leave
 “ to beseech your majesty to discountenance all such per-
 “ sons and designs in the most remarkable manner.”

The queen's answer to this address was;

“ Gentlemen,

“ I Give you my hearty thanks for this repeated assurance
 “ and certain proof of your zeal for me, and for the
 “ protestant succession.

“ I am glad your thoughts of the war abroad so per-
 “ fectly agree with my firm resolution upon that subject.

“ You may depend, that no apprehensions (further than
 “ are reasonable) shall have any influence on my measures,
 “ while the cause of religion and liberty, with the good
 “ affections of my people, are on my side.

“ I think all who endeavour to make divisions among
 “ my faithful subjects, must be mine and the kingdom's
 “ enemies; and I shall never countenance any persons,
 “ who would go about to lessen the just esteem, which I
 “ have for those, who have done, and continue to do me,
 “ the most eminent services.”

The lords address was as hearty as that of the commons,
 and, among other expressions of equal truth and affection,
 they said,

“ We hope your majesty will always have a just detesta-
 “ tion of those persons, who, at any time, when this hel-
 “ lish attempt was a-foot, and so near breaking out, were
 “ using their endeavours to misrepresent the actions of your
 “ best subjects, and create jealousies in your majesty of
 “ those

1707-8. " those who had always served you most eminently and
 " faithfully. And we beseech your majesty not to give so
 " just a cause of uneasiness to your people, as to suffer
 " any such hereafter to have access to your royal person.
 " We hope for this good effect from so unhappy an oc-
 " casion, that the universal zeal, which will appear for the
 " preservation of your majesty's government and the pro-
 " testant succession, will unite us to one another, and cure
 " our mistakes and misapprehensions, which have been so
 " industriously and maliciously improved. But nevertheless
 " we most humbly offer it to your majesty as our opinion,
 " that your majesty should principally depend upon and
 " encourage those who have been ever since the revolution
 " most steady and firm to the interest of the late king, and
 " of your majesty during your happy reign."

Her majesty's answer to this address was in these terms:

" My lords,
 " I Am extremely sensible of your zeal and concern for
 " the safety of my person and government, and very
 " well pleased to find your thoughts agree so exactly with
 " mine, that no attempt of our enemies against us at home
 " should divert us from prosecuting the war abroad with
 " the greatest vigour, the hopes of which has probably
 " been one of their principal motives to so presumptuous
 " an undertaking.

" As I cannot but wish there were not the least occasion
 " of distinction among my subjects; so I must always place
 " my chief dependence upon those who have given such
 " repeated proofs of the greatest warmth and concern for
 " the support of the revolution, security of my person,
 " and of the protestant succession."

Remark
on the
variation
of the
queen's
style in her
speeches.

The queen, being much alarmed with the danger of this invasion, saw with what falsehoods she had been abused by those who pretended to assure her there was not now a jacobite in the nation. For this reason she was observed to make a remarkable variation in her style. She had never in any speech mentioned the revolution, or those who had been concerned in it. And many of those, who made a considerable figure about her, studied, though against all sense and reason, to distinguish her title from the revolution, on which it was plainly founded, and on nothing else. But in this answer and another speech she named the revolution twice, and said, she would look on those concerned in it as the surest to her interests. She also fixed a new designation

on

on the pretended prince of Wales, and called him the Pretender (particularly in her speech at the close of this session) and he was so called in a new set of addresses, which, upon this occasion, were made to the queen. 1707-8.


Besides the ten English battalions which Cadogan had embarked at Ostend, and which, sailing from thence the 28th of March, N. S. under the convoy of admiral Baker, arrived three days after at Finsmouth, the first and second troop of life-guards, a squadron of horse grenadiers, the duke of Northumberland's regiment of horse-guards, the dragoons of Essex and Carpenter, a detachment of sixteen men out of each company of the first and second regiments of foot-guards, making a complete battalion, and several regiments of foot, were ordered to march towards Scotland, whither the earl of Leven, commander in chief of the forces in that part of Great-Britain, and governor of Edinburgh-castle, went post betimes, to provide for the security of that important fortress, and to make all the necessary dispositions to baffle any attempts, which the enemy could make on that side. Several regiments, in the south parts of Ireland, were at the same time commanded towards the north of that kingdom, from whence, if occasion had required, they might, with ease, have been transported into Scotland. But all the precautions by land proved wholly unnecessary, by the disappointment of the enemy's design at sea, of which Sir George Byng gives an account in two letters of the 13th and 15th of March, from on-board the Medway; the first whereof is as follows: "According to the opinion we had framed, when we left the station off Dunkirk, it has proved, that the enemy was designed for Edinburgh. "This morning we saw the French fleet in the mouth of the Frith, off of which place we anchored the last night, and sent a boat a-shore to the isle of May, from whence we had an account, that the French came to an anchor yesterday in the afternoon. They sent one ship up into Leith-Road, which had a flag at the main-top-mast-head. They report it a blue one; but we are rather of opinion, that it is the standard. The people of the island say, that by the time that ship could get up before the town, they heard several guns fire, which were in the manner of a salute. The ship that went up yesterday, came down this morning, and is now within two leagues of us. She appears to be a ship of sixty guns, but has now no flag on-board. We saw this morning, when they weighed, a flag at the main-top-mast-head, on-board of "one

1707-8. "one of their ships. They stand from us, and we after them, with all the sail we can."

The second letter, dated from Leith-Road, was as follows: "We chased the enemy to northward of Buccanefs, sometimes with reasonable hopes of coming up with them. The Dover and Ludlow-Castle, being the only clean-sailing ships we had, they were the first which came up with part of the enemy's squadron, passing by some of the smaller, to engage some of the larger ships, and stop them till they could be relieved. They attacked two or three of their ships, among which was the Salisbury: they did not part with them, till more of our ships arrived; but worked their ships in a handsome manner, to cut them off from the rest of the fleet; but in the darkness of the night they all got out of sight, except the Salisbury, who falling in amongst our head-moſt ships, the Leopard entered men on-board her. We are informed by the officers who were taken, that there were twelve battalions on-board their squadron, commanded by count de Gacé, a marshal of France. The pretended prince of Wales, lord Middleton, lord Perth, the Mac-Donalds, Trevanion, and several other officers and gentlemen, were on-board the Mars, in which also was monsieur Fourbin, who commanded the squadron. The number and strength of their ships are very near the account we lately received from Dunkirk; nor were they joined by the Brest men of war. And they further assure us, that the ships our out-scouts saw off Calais, were privateers, and their prizes, going into Dunkirk. The morning after this chase we saw but eighteen of the enemy's ships, as far as we could perceive them from the mast-head, in the east north-east of us. Having no prospect of coming up with them, we lay off and on Buccanefs all day yesterday, to gather our ships together; and this day, it blowing hard at north-east with a great sea, judging the enemy could not seize the shore to make any attempt, we bore up for this place; which was thought most reasonable; not only to secure, but to give countenance and spirit to her majesty's faithful subjects, and discourage those that could have thoughts of being our enemies (a)."

Sir

(a) Mr. de Gacé (who commanded the land-forces, and was for this unsuccessful service made a marshal of France by the title of marshal de Matignon) gave also an account of the invasion to Mr. de Chamillard in a letter dated at Dunkirk

Sir George Byng having lost sight of the French, and considering, that the Frith was the station of the greatest
1707-8.  impor-

in April: ' I had the honour to acquaint you with our embarkation at Dunkirk the 17th past; and you shall see by the following journal what has happened since till our return.

The 17th, at four in the afternoon, the chevalier de Fourbin set sail with the fleet; but, about ten in the evening, the wind proving contrary, we were obliged to cast anchor in the Downs off Newport, where we were detained the 18th and 19th. The Proteus, on-board of which were four hundred landmen; the Guerrier and the Barentine, with two hundred men each, were obliged, by the high winds, to put back into Dunkirk. The same day, the 19th, at ten in the evening, the wind having chopped about, we set sail again; and, having pursued our course the 20th, 21st, and 22d with a strong gale, we made the Frith of Edinburgh the 23d in the morning, and in the evening cast anchor at the mouth of it. The 24th in the morning, as we made ready to enter the Frith, we discovered a great number of ships, which we soon found to be the enemy's squadron to the number of twenty-eight sail, whom we judged to be the same that had appeared off Dunkirk; whereupon monsieur de Fourbin resolved to bear off by the favour of a land-breeze, which very luckily carried us from the enemy. They pursued us pretty close all that day, the 24th, and, four of the best sailers being come up with our sternmost ships, the enemy's

foremost ship attacked, at four in the afternoon, the Augusta, with whom they exchanged some guns for some time; after which the English bore down upon the Salisbury, which was more a-stern, and endeavoured to put her between themselves; and another English ship, that was coming up to her. The fight between these two ships, and some others on both sides, lasted till night; during which time the Salisbury made a great fire with their small arms.

Our fleet being dispersed, and the enemy near us, monsieur de Fourbin steered false during the night, which had a good effect; for the next day, the 25th, we found ourselves with twenty sail at a considerable distance from the enemy; whereupon I discoursed with monsieur de Fourbin, to know of him, Whether, having missed our landing in the Frith of Edinburgh, we might not attempt it in another place? He proposed to me Inverness, which is a very remote part in the north of Scotland; and we went immediately to speak of it to the king of England, who entertained the motion with joy, and told us, We ought to concert together the measures, that were to be taken, and he would pursue our resolutions.

The business was now to get pilots to conduct us thither, and give us the necessary notices. But there being none in our squadron, that was acquainted with that port, monsieur de Fourbin detached a frigate with
the

1707-8. importance, as well as safety, and was the place where they designed to land, put in there, till he could hear what course the French steered, who were not heard of in England till a fortnight after. Three of their ships landed near the mouth of Spey, only to refresh themselves; for, the ships being so filled with landmen, there was a great want of water. At last all their ships got safe into Dunkirk. The landmen either died at sea, or were so ill, that all the hospitals in Dunkirk were filled with them. It was reckoned, that they lost above four thousand men in this unaccountable expedition; for they were above a month tossed in a very tempestuous sea. If they had landed, it might have had an ill effect on our affairs, chiefly with relation to all paper-credit; and if by this the remittances had been stopped, in so critical a season, that might have had fatal consequences abroad; for, if the nation had been put into such disorder at home, that foreign princes could no more reckon on its assistance, they might have been disposed to hearken to the propositions, which the king of France would then probably have made to them (a).

Thus

the sieurs Caron and Bouyn, to fetch some from the cape of Buccaness. All that day, the 25th, we steered with a pretty favourable wind towards the north of Scotland; but, about eleven at night, there arose a strong contrary wind, which having continued the next day with violence, monsieur de Fourbin told me, it was high time to acquaint the king with the inconveniencies of pursuing our course, which were the inevitable dispersion of our fleet; the danger which the ships, that should be separated, would be in, either of falling into the enemy's hands, or of perishing on the coast, if they were driven thither; and even the wanting of provisions.

The impossibility the sieurs Caron and Bouyn found of approaching the shore, by reason of the stormy weather, and consequently of bringing pilots

to guide us; the uneasiness and dangers of landing in a port we were strangers to, and where the enemy might come up again with us, together with other hazards and difficulties, having been represented to the king by monsieur de Fourbin in the presence of the duke of Perth, my lord Middleton, Mr. Hamilton, my lord Galmoy, and messieurs de Beauhornois and d'Andrezel, the king of England, with the unanimous advice of all those gentlemen, resolved to return to Dunkirk, where we could not arrive before this day, by reason of the calms and contrary winds.

(a) The house of commons, upon a suggestion that Sir Geo-Byng might have destroyed the whole Dunkirk squadron, if his ships had been clean, resolved to present an address to her majesty, 'That she would be pleased to give directions that

Thus the intended invasion was totally defeated, without its having the least ill effect on the affairs of Great-Britain, though 1707-8.

that an account might be laid before the house of the number of ships, which went in the expedition with Sir George Byng, and when the same were cleaned: which account having been laid before the house, and examined, it was resolved, 'That the thanks of this house be given to his royal highness, the lord high-admiral, for his great care in so expeditiously setting forth so great a number of ships, whereby the fleet, under the conduct of Sir George Byng, was enabled so happily to prevent the intended invasion.' Which was accordingly done,

Some days before, the commons came to an unanimous resolution, 'That whoever designedly endeavoured to destroy or lessen the public credit, especially at a time when the kingdom was threatened with an invasion, was guilty of an high crime and misdemeanor, and was an enemy to her majesty and the kingdom.' And indeed, the most dangerous effect of the enemy's intended invasion, was the occasioning great demands upon the bank of England; which visibly tending to the ruin of its credit, with which that of the Exchequer was closely connected, the ministry thought proper to apply a speedy remedy to that evil. In order to that, the lord-treasurer signified to the directors of the bank, that her majesty would allow, for six months, an interest of six per

cent. upon their bills; which before were only three per cent. And, at the same time, his lordship offered them a considerable sum of money; as did also several other peers, particularly the dukes of Marlborough, Newcastle, and Somerset. On the other hand, the directors of the bank having resolved to call in twenty per cent. upon their capital stock, they were in a condition to answer the demands of the most importunate, among whom were reckoned, first, the disaffected, who improved that conjuncture to distress the government with impunity; secondly, the timorous usurers, who were unreasonably alarmed at the intended invasion; and lastly, the goldsmiths, who having, in great measure, lost the advantageous trade which they carried on with the money, that private persons lodged in their hands, before the establishment of the bank of England, had ever since endeavoured to ruin its credit. One of these, Sir Richard Hoare, was so concerned at his being reflected on, as having contributed towards the ruin upon the bank, that he was very solicitous to vindicate himself as to that particular. But it was observed, to the honour of the French, Dutch, and Jewish merchants, that they were so far from calling in the money they had in the bank, that, on the contrary, they carried more into it, to support its credit.

1707 8.
Report
spread
by the
French
Barnet.
Lamberti.

though the court of France had been so secure of success, that their king wrote a circular letter to his ministers in Rome, Switzerland, Geneva, and other neutral places, directing them to declare in his name, "That he had been long of opinion, that the assisting the king of England to possess the throne of his ancestors would be for the general good of all Europe. That he believed, that a peace would be the consequence of its success: and that this prince's subjects would esteem themselves equally happy, in contributing to re-establish him in the place of his predecessors, and in being themselves delivered from those continual impositions, wherewith they were overwhelmed, to maintain a war altogether foreign to them. That, as the Scots had yet more reason than the English to be dissatisfied with the present government of England, it appeared to him a convenient opportunity to restore to that nation their lawful sovereign, and to enable the prince to deliver it from the oppression it had suffered since the revolution, which happened under the late king of England, James the second. That these were the reasons; which had determined him to equip a squadron of his ships at Dunkirk, and to furnish the king of England with a considerable number of his troops, to accompany him to Scotland, to support those his faithful subjects, who should declare for him. That he [the pretended king of England] left Versailles the 7th of March, N. S. to go to Dunkirk, in order to embark, and get, with all expedition, to Scotland. That his intention was not to enter the kingdom by right of conquest, but to oblige them to receive him as legal possessor of it. That he would behave himself in like manner with respect to all his other dominions, that should pay the obedience they owed him; and his subjects would only be distinguished according to the zeal and affection they shewed for him, without examining what religion they professed, in which he left them to their intire liberty." The French king concluded, "That he had no thoughts of enlarging his power, by assisting to re-establish this prince: that it was sufficient, that he did an act of justice, in vindicating the honour of crowned heads, highly affronted in the person of the late king his father; and his wishes would be intirely accomplished, if (by God's blessing on his endeavours) the success became the means of procuring a lasting peace, so necessary to all Europe."

When

When these ministers received this circular letter, they had likewise advice sent them, which they published both at Rome, Venice, and in Switzerland, that the French had, before this expedition was undertaken, sent over some ships with arms and ammunition to Scotland: and that there was already an army on foot there, that had proclaimed this pretended prince, king. It was somewhat extraordinary to see such eminent falsehoods published all Europe over: they also affirmed, that hostages were sent from Scotland to Paris, to secure the observing the engagements they had entered into; though all this was fiction and contrivance (a).

The

(a) Lockhart, in his memoirs (p. 342, &c.) has given us a large account of the grounds, on which the success of this undertaking was founded. As soon as the union took place, two commissions were appointed for managing the customs and excise of Scotland, being partly English, and partly Scotsmen; but, at the same time, vast numbers of surveyors, collectors, and other officers, being sent down from England, and executing the new laws with all rigour, were so grievous to the people, that men of all ranks and persuasions resented the loss of the sovereignty, and were easily persuaded by the pretender's friends, 'That nothing but the restoration of the royal family by the means of Scottish men could restore them to their rights.' Nor were many of the nobility and gentry less desirous to see the pretender amongst them; and therefore had, for some time past, pressed his coming over, as the luckiest opportunity for restoring him, and advancing the interest of France, by giving a diversion to the English. Upon the repeated instance of the court of

St. Germain's, and the ill success of the French arms in 1706, the French king began to relish the proposal, and seemed in earnest to do something for the pretender; but, before he proceeded any farther, he sent over colonel Hookes to get intelligence, and treat with the Scots. It was the opinion of many, that Hookes was pitched upon by the court of France, as one who would follow their directions, and asserted, That he shewed more concern to raise a civil war (which was what the French king chiefly wanted) than to promote the pretender's service and interest. However that was, it is certain, he rather widened than made up the division he found among the Scots jacobites, which was occasioned by a misunderstanding between the dukes of Hamilton and Athol. Hamilton claimed merit upon account of his past actions, his interest, and qualifications; and Athol valued himself on the interest he had got of late with the north-country gentry, and the great numbers of men he could raise. Many being disgusted with the duke of Hamilton for his equi-

1708.

The session of parliament was closed the 1st of April, soon after defeating the design of the invasion. The queen made the following speech to both houses :

“ My

vocal behaviour in the last Scots parliament, inclined to think, that the duke of Athol would venture further for the pretender, which, as it piqued the one, so it elevated the other; and this jarring went so far, that some of the duke of Athol's partizans railed openly at the duke of Hamilton, and pretended to do all themselves. Others, again, reflecting on the duke of Athol's conduct on several occasions, were afraid he was not firm, but acted rather from a desire of revenging himself of the courtiers, who had slighted him, than a true principle of loyalty to the pretender; and, considering that he was by no means qualified to be the head of a party, thought he was not to be humoured so far, as to disgust the duke of Hamilton. For, though the latter's cautious behaviour in concerting measures was not approved, yet the jacobites being persuaded of his intire affection to their cause, and convinced, at the same time, that he was absolutely necessary to be with the pretender, by reason of his interest, courage, and conduct, and particularly his dexterity in managing the different parties; upon all these considerations they thought he was to be respected, and advised with; and therefore recommended him to the earl of Middleton, who, agreeing with them, represented him to the pretender, as the fittest person to serve him in Scotland. But the duke of

Perth, who intirely differed from the earl of Middleton, soon closed with the duke of Athol; and, having more interest with the priests and Roman catholics than the earl of Middleton, prevailed so far with the court of France, or at least with Hookes, that Hookes, upon his arrival in Scotland in the beginning of March 1707, made his chief application to, and concerted measures with his correspondent the duke of Athol. Besides his credentials from the pretender and French king, empowering him to treat with the people of Scotland, in order to bring about the king's restoration, and to recover the nation's sovereignty, and ancient privileges; colonel Hookes produced a paper, containing several queries drawn by the marquis de Torcy, relating to the number of men that could be raised in Scotland; the conveniencies for subsisting and quartering troops, and carrying on a war; and the number of forces, sums of money, and quantities of arms and ammunition, necessary to be sent from France. A distinct answer being made to each query, containing a full account of the state of affairs, particularly the inclination of the people to venture all for the pretender's service, and earnestly intreating him to come over as soon as possible; that paper was signed by the

Duke of Athol,
Lord Drummond,
Earl of Errol,

Earl

“ My lords and gentlemen,
 “ I Cannot conclude this session, without acknowledging
 “ the wise and speedy provisions, which you have made
 “ for the public security.

1708.

“ Gentlemen

Earl of Strathmore,
 Viscount of Stormount,
 Lord John Drummond,
 Lord Nairn,
 Fotheringham of Powrie,
 Lyon of Auchterhouse,
 Graham of Fintree,
 Drummond of Logie,
 Ogilvy of Boyne,

and others, and it was then delivered to colonel Hookes, who carried it to France in May 1707. It is to be observed, that he had brought over letters from the pretender to the duke of Hamilton, and the earl Marischal; but, before he transmitted those letters to them, he had so closely attached himself to the duke of Athol, and made such advances in the treaty, that the duke of Hamilton and earl Marischal highly resented their being thus disregarded, and did not think fit to send their answers by Hookes, but chose another hand to communicate their thoughts to the earl of Middleton. Hereupon Hookes sent them impertinent threatening letters; and when he arrived in France, flushed with the success of his embassy, he triumphed over the earl of Middleton, whom, and his friends in Scotland, he accused of backwardness to serve the pretender. Before he embarked for France, he had assured the Jacobites, that their king would be with them by the month of August following; but, before that time came, notice was sent to Scotland, that the attempt

could not be made so soon. There being afterwards little appearance of its being executed, people began to suspect, that the French king's affairs being somewhat retrieved by the battle of Almanza, he reserved the design in favour of the pretender to another occasion; which surmise proceeded from a well grounded jealousy, that the court of France regarded him no farther, than they thought him subservient to their own interest and private views. Of this opinion was the duke of Hamilton, who having waited till the end of January 1707-8, without seeing any effect of the French king's promises, and his affairs requiring his presence in England, he set out from Kenriell with his duchess and family towards Lancaster. The third day he was on his journey, an express from captain Straton informed him, that he had certain advice, that the pretender would proceed on his expedition before the middle of March; whereupon the duke seemed extremely perplexed what to do; but, after some consideration, he resolved to proceed on his journey, as a mask to cover his real design; and, in the mean time, directed Mr. Lockhart of Carnwath, who had accompanied him so far, instantly to repair to the shire of Lanerk to raise their friends, and lead them to Dumfries, where he promised to meet him, and where he was

M m 3

sure

1708.

“Gentlemen of the house of commons,
 “I am also to thank you in particular, for the large and
 “timely supplies, which you have provided for the effectual
 “prosecution

sure to be joined with a great number of horse and foot. Besides the good dispositions and solemn assurances of the pretender's friends, the court of France had reason to expect success in Scotland; for the regular troops there did not exceed two thousand five hundred men, most of whom were disaffected, and ready to join the pretender: The garrisons, being unprovided with warlike stores, must have yielded at the first summons: A good part of the equivalent money, being in the castle of Edinburgh, would have helped to carry on the war: And a fleet of Dutch ships had some time before run a-ground on the coast of Angus, in which was a vast quantity of ammunition, besides cannon and small arms, and a great sum of money, which the jacobites of that country would have secured. So that all things seemed to concur to give success to the attempt upon Scotland. As soon as the French fleet was ready to sail, the pretender dispatched Mr. Charles Fleming, brother to the earl of Wigton, to acquaint his friends in Scotland therewith; and with him he sent several copies of a paper, containing instructions to his party how they were to behave, particularly desiring them not to stir till they were sure he was landed; and that then they should secure all the money, horses, arms, and provisions, to be found in the hands

of such as were not well-affected to him, and even their persons, if possible; and Mr. Fleming was to provide pilots to meet him at the mouth of the Frith of Forth, and guide his fleet up the same, being resolved to land on the south side thereof, at or about Dunbar.

Mr. Fleming arriving at Slains, the earl of Errol immediately sent him to Perthshire, where he communicated his instructions to such as he thought proper. The earl of Errol likewise sent Mr. George, a skipper in Aberdeen, to be ready to go from Fifeness with Mr. Malcolm of Grange, to pilot the pretender up the Frith; and farther desired him to go over the water to Edinburgh, to advertise captain Straton and Mr. Lockhart of Carnwath of Mr. Fleming's arrival and instructions. The appearance of the French fleet in the Frith, as it wonderfully elated the spirits of the jacobites, so it struck no small terror into the well-affected. However, the magistrates and corporation of the city of Edinburgh shewed such zeal and readiness to assist the government, and such care and diligence were used in observing and securing suspected persons, that, by this means, together with the speedy march of some English forces northwards, and Sir George Byng's continuing in Leith-Road, till certain news came of the pretender's return to Dunkirk, the peace

“ prosecution of the war. I assure you, they shall be
 “ carefully and punctually applied to the uses for which
 “ they are appointed. 1708.

“ My

peace of Scotland was happily preserved.

Mr. Lockhart, from whom this account is extracted, observes, p. 375, that the reasons alledged by the marshal de Maignon, in his letter to monsieur Chamillard, for not landing in the north or west of Scotland, were frivolous. ‘ And yet, says he, consider the want of resolution and firmness, that has of late appeared in the French councils; and it is not improbable, that, having missed of the first aim of landing in the Frith, and being afraid of the English fleet’s falling upon them, they might be at a stand, and despair of succeeding. But is it not strange they should have undertaken such an expedition, and not reflected upon, and been provided with orders for all accidents that might happen? And was it so extraordinary a thing, that they could not foresee that the English fleet, which was then at sea, might have endeavoured to prevent the landing in the Frith; and yet on such an emergency leave all to the admiral’s own disposal? But since, as I mentioned before, the king was so pressing to have landed in the north, I am apt to believe Fourbin had secret orders from his master, which he did not communicate to the king. And therefore I cannot altogether condemn those, who are of opinion, that the French king did never design the king should land; for

being fully persuaded and satisfied, that the Scots were zealously bent to rise in arms, he might think, that, upon his fleet’s arrival on the coast, they would have appeared; and having once set the island by the ears together, and kindled a civil war, he might spare his men and money, and reserve the king in his power, to serve him on another occasion. Else, say they, why did he not send such a number of forces as was capitulated? For the traitors demanded six or seven thousand, and others ten thousand; which was promised, and yet they were but betwixt four and five thousand, and those none of the best; neither was the sum of money, nor quantity of arms, and other warlike stores, near so great as was demanded and agreed to. And since he had been at so much charge in equipping this expedition, and made such a noise of it all the world over, Why did they not land in the north or west, where they could meet with no opposition? It is true, indeed, the south side of the Frith was the place advised, and most proper (though other places, both in the north and west, had been spoke of too) because the north country were secure against any attempts, and well inclined to serve the king, and the landing on the south-side of the Frith gained them Edinburgh, and opened a communication betwixt the north and the south, and the west of Scotland and

1708.

“ My lords and gentlemen,

“ I take these (especially at this juncture) to be such
 “ undeniable proofs of your zeal and affection to my ser-
 “ vice,

north of England. But sure the difference betwixt west, south, and north, was not so great, as, if any one failed, the whole design was frustrated. But not to insit further on the French king's secret designs (which are all mysteries to us) this is certain, that, had the French managed their affairs right, they might have landed even in the Frith; for, had they sailed their course directly from Newport Pines, they might have reached it a day sooner than they did; but, in place thereof, though they knew the English fleet was in quest of them, and that England, and all the world, knew of their design, they stood out so far to the north-seas, for fear, as they since alledged, of alarming England, that the first fight they had of Scotland, was near thirty miles to the north of Aberdeen; and so, though they had the start by near a day of Sir George Byng, yet he arrived in the Frith in a few hours after them; and one of their ships, which proved leaky, and was obliged to return to Dunkirk, and remained there two days after they failed, reached the Frith several hours before them. And if it was true, as I have been informed, that the French king's orders to Fourbin were, that, provided he could land on any place on the south of the Frith, rather than lose the opportunity, he allowed him to destroy his ships, and join his seamen to the land forces; why did they

drop their anchors at the mouth of the Frith, and lose half a day and a whole night? For, had he sailed on, he might have reached the windings in the head of the Frith, before the English fleet could have come up to the Frith, and lain some time concealed from them, who, he saw, knew not where the French were, but dropped their anchors. But, supposing the English had discovered them next day, they would at least have got so many hours sailing of them, that, before they could have come up, their great ships might have unloaded, and the lesser ones run into creeks and shallow places (which abound there) where the English big ships could not have come at them. Lastly, it was unaccountable in them to come from Dunkirk, where were abundance of Scots seamen, who would have been glad of the occasion, and not bring a pilot, who knew the coast, with them; the loss of which they found, when they arrived there, and were obliged to take in some fishermen for that purpose off of Montrose. I know some have attributed their not landing to the duke of Perth, whose heart, they say, failed him when it came to the push. But, for my part, I cannot conceive how his opinion or instruction could have that weight in the managing a matter of such importance. Again, it has been said, that the earl Marischal omitted to answer the signal of a ship, which

“ vice, as must convince every body of your doing me the
 “ justice to believe, that all which is dear to you, is per-
 “ fectly safe under my government; and must be irrecove-
 “ rably lost, if ever the designs of a popish pretender, bred
 “ up in the principles of the most arbitrary government,
 “ should take place.

“ I am satisfied, that very false representations of the
 “ true inclinations and interests of my people must have
 “ been made by some of my subjects, who have given en-
 “ couragement to this desperate attempt; since, without
 “ something of that nature, it seems very little consisting
 “ with the usual precaution of our enemies, to hazard the
 “ expence of so vain and ill-grounded an undertaking.
 “ However, it is certain, we must be all inexcusable, if
 “ we do not take warning from this attempt, to complete
 “ what may be necessary for our security at home, and the
 “ discouraging the like for the future; to which, by God’s
 “ blessing, nothing shall be wanting on my part.

“ And to the same end I must recommend to you, at
 “ your return into your counties, to use your utmost care and
 “ diligence in putting the laws in execution against papists,
 “ and all others disaffected to my government, and in mak-
 “ ing them pay towards the public taxes, to the full of what
 “ the law requires from them; nothing being more reason-
 “ able, than that they, who by their principles and prac-
 “ tices, encourage (if not actually foment) such disturban-
 “ ces, should doubly contribute to the charge of quieting
 “ them, and securing the kingdom’s peace; and should
 “ know themselves, on all such occasions, to be responsible
 “ for the many inconveniencies that may ensue.”

Then

which was sent by agreement to the coast near his house, to learn intelligence from him of the state of affairs. It is true, indeed, his lordship failed on his part; but can it be thought, that the vigorous execution of the project could stop on so slight a disappointment? Besides, Mr. Malcolm of Grange did actually go on board that ship, which, I told you, came after the French out of Dunkirk, and arrived in the Frith

before the fleet, and informed them of all that was needful. But to leave these speculations with this animadversion, that the French might have landed, if they had pleased, or managed their affairs right; and that time must discover the true reason of their not landing, of which, by the bye, none of the court of St. Germain, though often wrote to on this subject, will give any return, which makes it the more mysterious.

1708. Then the parliament was prorogued to the 13th of April, and, two days after, was dissolved by proclamation, and writs were issued out for the election of a new parliament. On the 26th of April, a proclamation was published, commanding all the peers of North-Britain to assemble at Holyrood House in Edinburgh, the 17th of June, to nominate and chuse, by open election, the sixteen peers, who were to sit and vote in the house of peers, in the ensuing parliament of Great-Britain, pursuant to the twenty-second article of the treaty of union; and accordingly the dukes of Hamilton, Montros, and Roxburgh; the marquis of Lothian; and the earls of Orkney, Crawford, Rothes, Leven, Mar, Loudoun, Wemyss, Roseberry, Glasgow, Northesk, Seafield, and Hay were chosen; some of whom were justly suspected of disaffection to the present settlement. But in England, the just fears and visible dangers, to which the attempt of the invasion had exposed the nation, had so good an effect, that the elections, for the most part, fell on men well-affected to the government, and zealously set against the pretender.

The Lord Griffin. Four days after the dissolution of the parliament, Edward Griffin, late lord Griffin, John Lord Clermount, and Charles Middleton, two sons of the earl of Middleton, and colonel Francis Wauchope, who had been taken on board the Salisbury, were brought up to London; and, having been examined by a committee of the privy-council, were committed prisoners to the Tower for high-treason, by warrant of the earl of Sunderland, secretary of State; and, two days after, the Irish officers, taken also on board the same ship, were, for the same crime, committed to Newgate. Several persons were likewise seized in Scotland, and sent up to London (1).

Before

(1) Towards the end of April, 1708, the chief state prisoners in the castle of Edinburgh, viz. the marquis of Huntley, the earls of Errol, Seaforth, and Nithsdale; the lords viscounts Stormount and Kilsyth, the lord Drummond, the lord Nairn, and James Murray (the two last named brothers to the duke of Athol) Sir George Maxwell, and others, set out from thence, in order to be brought up to London, guarded by a party of dragoons. As for the duke of Hamilton, who, on the 10th of April, arrived at Westminster, with his duchess, attended only by one of her majesty's messengers, his grace made such large professions of his loyalty and affection to her majesty's person and government, that he was soon after discharged; as was also the earl of Aberdeen, the lord Balmerino, the bishop of Edinburgh, Sir Walter Bruce, lieu-

Before Sir George Byng sailed from Leith-Road to the Downs, he was visited by Sir Patrick Johnston, representative

1708.
Compliment on Sir Geo. Byng by the city of Edinburgh.

lieutenant-colonel Balfour, Mr. Fletcher of Salton, Dugal Stewart, brother to the lord Bute, and some others. On the 7th of June, the lord Drummond, Sir George Maxwell, and Robert Murray, of Palmy, were committed prisoners to the Tower of London; and the lairds of Cardeen and Keir to Newgate, by warrants from the lords of her majesty's privy-council. The next day the following prisoners were brought up to London from Edinburgh, the duke of Gordon, viscount Kenmure, Fotheringham of Powrie, Lyon of Auchterhouse, lord James Murray, Robinson of Strowan, Seaton of Touch, Stuart of Starachio, Macdonald of Keppock, Edmiston of Newton, laird of Keppendarvie, Gordon of Gallachy, and Stuart of Boyce; as were, on the 14th of that month, the earl of Marischal, the earl of Murray, the earl of Traquair, the lord Belhaven, the lord Sinclair, Sir John Macleane, the laird of Lochiel, the laird of Appin, major-general Buchan, and Mr. Campbell of Glenderowick. These prisoners having severally been examined by the lords of the privy-council, such against whom there was no particular information, were admitted to bail; which favour extended to most of them, but the lord Belhaven did not long enjoy it, for, on the 21st of June he died of an inflammation or mortification in his brain, and in him expired the warmest opposer of the union of the two kingdoms.

But it will be proper to hear what Mr. Lockhart, in his memoirs, p. 382, says upon this subject. 'The castles of Stirling and Edinburgh, says he, and all the prisons in Edinburgh, were crammed full of nobility and gentry. At first, no doubt the government expected to have had proof enough to have brought several of them to punishment; but, failing, blessed be God, in that, the next use they made of them was to advance their politics; for no sooner did any person, who was not of their party, pretend to stand a candidate to be chosen a parliament-man at the elections, which were to be next summer, but he was clapped up in prison, or threatened with it, if he did not desist; and by these means they carried, generally speaking, whom they pleased. But to return to the prisoners, after they had been in custody for some weeks, orders came from London to send them up thither, which was accordingly done, being divided in three classes, and sent up three several times, led in triumph under a strong guard, and exposed to the raillery and impertinence of the English mob. And now it appeared to what a fine market Scotland had brought her hogs, her nobility and gentry being led in chains, from one end of the island to the other, merely on account of suspicion, and without any accusation or proof against them. Whilst this was a doing, the duke of Hamilton, being like-

1708. tive in the late parliament for the city of Edinburgh, in the name of the magistracy of that city; and presented with an instrument, whereby he was made a citizen of Edinburgh, inclosed in a gold box, and accompanied with a letter from Sir Samuel Meldrum, lord provost of that city, wherein he "desired the admiral to accept of it, as a mark of their "high respect to him, who had been the happy instrument "of so seasonable a deliverance to this island, for which "his memory would be honoured in future ages." Not many days after Sir George Byng arrived at court, and was received by the queen with those marks of favour, which his late eminent services had deserved. All this while, the ministers of several foreign princes and states had audiences of the queen and prince, to congratulate the disappointment of the pretender's design on North-Britain; but, on the 7th of April, Signior Corriaro, ambassador from the republic of Venice, was forbid the court, upon account of some disrespect shewn by the custom-house officers of Venice to the Gondola and two boatmen of the earl of Manchester, the British ambassador (1). But this matter was afterwards accommodated

likewise brought up prisoner to London, and taking the advantage of the discords between the treasurer and the whigs, struck up with the latter, and prevailed with them to obtain, not only his, but all the other prisoners liberation (excepting the Stirlingshire gentlemen) who were sent home again to undergo their trial, upon their finding bail to appear against a certain day (which was likewise soon remitted) and engaged to join with them (the whigs) and their friends in Scotland, viz. the Squadrone, in the election of the peers for the parliament of Great-Britain; which having accordingly done, several of the court-party were thrown out. This certainly was one of the nicest steps the duke of Hamilton ever made; and, had he not hit upon this favourable juncture, and managed it with

great address, I am afraid some heads had paid for it; at best, they had undergone a long confinement; so that to his grace alone the thanks for that deliverance was owing.

(1) That earl gives the following account of this affair in a letter to the earl of Sunderland from Venice, March 30, 1708, printed in Mr. Cole's memoirs of affairs of state, p. 519, which letter begins thus: 'I write under all the concern imaginable, being sensible, that the affront they have done me here is of the highest nature, as you will see by my memorial; and, unless it is repaired in the most public manner, it will reflect extremely on the honour of the queen and the whole nation. This has been occasioned by the roguery and villainy of one B——, a merchant, son of Mr. B——,

accommodated to the queen's intire satisfaction (2).

During the session of parliament, on the 18th of February, died a very eminent member of it, Sir Edward Seymour, at his seat at Maiden-Bradley in Wiltshire. Nobility of descent, eminency of parts, great popularity, and a leading influence in the house of commons, were the distinguishing circumstances of his life. Whether they were attended with

1708.

Death and character of Sir Edward Seymour.

in the city, who inveigled and persuaded two of my boatmen to go on board a ship, and load from it some cloth, which is prohibited here. It is well known, that the boat of an ambassador is so sacred, that it is not to be visited or stopped on any account whatsoever, tho' there was a prisoner of state in it. This made B—— conclude, that his cloth was secure, tho' my honour and reputation must have suffered; for it could not but be known here, though this had not happened.' The circumstances of the affront are thus related in the earl of Manchester's memorial, presented on the 20th of March, 1708: On Monday last my Gondola, with two of my boatmen, dressed in my ordinary and well-known livery, was attacked in coming from Malamocco by the officers of this most serene republic, armed with fire-arms and steel-weapons. These officers entered the boat by main force; and, after having done what they thought fit, they suffered the Gondola to row away.'

(2) The earl of Manchester, in a letter to the earl of Sunderland from Venice, July 6, 1708, printed in Cole's memoirs, p. 540, observes, 'that the senate of Venice had consented to restore the cloth in the manner

the earl had desired; to condemn the men into the gallees; and, in lieu of the pillory, to bring them at the hour of justice from the prison through the place of St. Mark into the galley, and the chief of them to have a paper prefixed to him, denoting their crime and punishment, &c.' The conclusion of this affair will appear from the following passage of the earl of Manchester's letter to the earl of Sunderland from Venice, September 7, 1708: 'I can now acquaint your lordship, that yesterday the men were brought thro' the place of St. Mark to the galley. The chief of them had a paper on his breast and back with the inscription, as it was agreed on. There were great numbers of people. This day they delivered the cloth to my boat, in the place where they took it. I sent it immediately to the four hospitals, so all is passed to our intire satisfaction, and much to the honour of the queen; and I have the good fortune to have the approbation of all people here in this affair. As soon as the men have made their submission, I intend to go to the college to get them released. One of the men being lame of the goat, he was carried in a chair, which made it more remarkable. They were eleven in all.'

1708.

with real virtue and merit, cannot be deemed an improper inquiry; since, without these, outward appearances are insignificant and offensive. In the reign of king Charles II. he laboured with uncommon diligence to promote the measures of the court, for the destruction of civil and religious liberty; and was neither afraid nor ashamed of any sort of management. His contemptuous behaviour towards the house of commons, while he was in the chair, was astonishing and scarce credible. He acted there as the marshal of the court, and, agreeably to his instructions from thence, allowed the house a long or short day for business. He seemed to affect to be remembered by a series of words and actions, full of indignity and insolence; nor did he escape the public reproaches of many members for the licentiousness of his morals, which they declared to be a disgrace to the station, which he bore in their house. In order to bring him under proper discipline and correction, the next house of commons chose him their speaker; but his royal master, to preserve him from disgrace and vexation, refused his approbation in an unusual manner. His concurrence in the revolution, and directing the association, are to be ascribed to a resentment of what he esteemed ill usage under king James. To the establishment, ease, and success of king William's government, no one ever gave stronger proofs of an utter aversion. When that king had full evidence of his treasonable practices, such was his majesty's generous regard to his first appearances, that he gave him his choice of taking a place or his trial. Tho' he had often professed a contempt for the master and the service, prudence and guilt disposed him to a place. His conduct in this situation was a very ungrateful return for the favour, which he had received. In pursuance of his counsels, early and seasonable remedies were neglected; every thing was to wait the attention of parliament. Thus the coin was reduced to a ruinous state, which proved the occasion of infinite mischief to affairs both at home and abroad. Whilst he declaimed against and prosecuted real or imaginary corruptions in others, he was a constant and most able practitioner this way. Rival companies and rival projectors successfully employed the sure method of procuring his protection. Foreign powers were very sensible of the certain way of assuring to themselves so significant and daring an advocate. Much of this kind was suspected, and many things well known; yet with an amazing sufficiency he continued to support his authority and influence. The regards of his party were secured by his unwearied sin-

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cere hatred of king William. In this reign, he, who in a former had betrayed and trampled on the privileges of a house of commons, commenced the patron and enlarger of its rights. 1708.

His highest pretensions to public spirit and public virtue were owing to opposite motives. His zeal in the impeachment of the earl of Clarendon, was not the effect of offences suggested in the articles, but flowed from a desire of recommending himself to a corrupt court. Malevolence had been long working there, on the account of that earl's having joined with the earl of Southampton, in preventing profuse and destructive settlements of parliament. The prosecution of lord Sommers arose from that lord's ability and fidelity in the service of his prince and the public; for neither Sir Edward's obligation nor inclination would have urged him to pursue a real enemy of France. After he had been the terror of his enemies, and lived amongst his friends with a haughty superiority, a mean wretch hurried him out of the world, its most imperious disturber. When infirmities had confined him to his chair, his house was deserted by the servants on the account of some new diversions; and, in the mean time, an old female beggar of the maddish tribe happened to wander into the apartments. Finding the great man thus alone, she reproached him for all his cruelty and oppressions, threatened, terrified, and handled him in a manner, the effects of which soon put an end to a life, through the whole course of which he seemed equally insensible of crimes and punishments.

The removal of Mr. secretary Harley having occasioned some other vacancies, Robert Walpole, a gentleman of quick parts and masterly eloquence, was, in Mr. St. John's room, made secretary at war; and the place of secretary to the marines, which had been likewise held by Mr. St. John, was given to Mr. Josiah Burchet. Some time after, the queen delivered to the earl of Cholmondley the staff of comptroller of her household; and, about the middle of April, her majesty made a promotion of general officers, by which the earl of Rivers was advanced to the post of general of the horse (1).

Some

(1) Henry Withers, Corniel Harvey, lord Raby, earl of Essex, earl of Arran, — Maine,

1708.

Some time before, orders and commissions were delivered for new-raising the regiments of Montjoy, Gorges, Alnut, Mordaunt, Wade, Maccartney, and Lord Mark Kerr, which suffered most at the battle of Almanza; and their officers, who were prisoners in France, were supplied by others. About the same time, the earl of Wemys and Sir John Leake were added to the lord high-admiral's council. On the 22d of April, her majesty nominated Dr. William Fleetwood to the bishoprick of St. Asaph, vacant by the death of Dr. Beveridge, and Sir William Giffard was appointed governor of Greenwich hospital; and Hugh Bos-cawen warden of the flannaries.

The first
Privy-
council of
Great-
Britain.

The Scotch privy-council being dissolved by virtue of the late act, entitled, An act for rendering the union of the two kingdoms more intire and complete, the queen, on the 10th of May, appointed the first privy-council of Great-Britain (1).

On

Maine, William Seymour, Hut-ton Compton, Robert Echlyn, marquis of Lothian, and—— Tidcomb, were declared lieutenant-generals; Sir William Douglass, lord Monjoy, earl of Crawford, Richard Gorges, Nicholas Sankey, Henry Holt, William Cadogan, Thomas Meredyth, Francis Palmes, James Stanhope, lord Shannon, lord Charlemont, and the duke of Northumberland, major-generals; Luke Lillingston, Sir Thomas Smith, John Livesay, Edward Braddock, Gilbert Primrose, Roger Elliot, William Evans, Thomas Pearce, Joseph Whiteman, and John Newton, brigadiers.

(1) Consisting of,
The archbishop of Canterbury, William, lord Cowper, lord-chancellor of Great-Britain, Sidney, earl of Godolphin, lord-high-treasurer, Thomas, earl of Pembroke, lord-president,

John, duke of Newcastle, lord-privy-seal, William, duke of Devonshire, lord-steward, James, duke of Ormond, Henry, marquis of Kent, lord-chamberlain, James earl of Derby, Thomas, earl of Stamford, Charles earl of Sunderland, principal secretary of state, Charles Bodvile, earl of Radnor, Charles, earl of Berkeley, Francis, earl of Bradford, Hugh, earl of Cholmondeley, Henry, lord bishop of London, William, lord Dartmouth, Henry Boyle, principal secretary of state, Thomas Coke, vice-chamberlain, Sir John Trevor, master of the rolls, Sir Thomas Trevor, lord-chief justice, Sir Charles Hedges, James Vernon,

John

On the 15th of May, the lord Griffin, one of the prisoners taken on board the Salisbury, being attainted, by outlawry for high-treason, committed in the reign of king William, was brought to the bar of the Queen's bench, and, after reading of the outlawry, being asked, What he had to say, why execution should not be awarded against him? He said, in his defence, "That he was neither in arms, nor in council with the enemy; but was forced by the French court upon the expedition, intirely against his judgment and inclination, notwithstanding he had expressed his dislike of it, as a rash and foolish attempt;" adding, "That he threw himself at the queen's feet for mercy, and hoped the favour of the court." His defence being judged intirely foreign to the outlawry upon which he was brought to the bar, the court made a rule for his execution, as is usual in such cases: But though the queen was prevailed with to sign the warrant for sentence to pass upon him, a reprieve, however, for a fortnight, was sent the night before to the Tower; and that, expiring the last day of June, was then renewed, and afterwards continued from month to month, till he died a natural death in the Tower, about two years after.

1708.

Lord Griffin ordered for execution. Hist. of Europe.

He is reprieved till he dies in the Tower.

On the 20th of May, Meinhard, duke of Schomberg, and John Smith, late speaker of the house of commons, who, about this time, was constituted under-treasurer and chancellor of the Exchequer, in the room of Mr. secretary Boyle, were sworn of the privy-council, as was the duke of Somerset a week after; and, towards the latter end of the same month, the duke of Queensberry was made a peer of Great-Britain by the title of baron of Rippon, and marquis of Beverley in the county of York, and duke of Dover in the county of Kent.

An act had passed the last session for the better security to our trade by cruizers and convoys, and for the encouraging privateers, particularly in the West-Indies and South-Seas. They were to have all they could take, intirely to themselves; the same encouragement also was given to the captains of the queen's ships, with this difference, that the captains of the privateers were to divide their captures, according to agreements made among themselves, but the distribution

Proclamation for the distribution of prizes.

John Howe,
Thomas Erle.

vey, Edward Southwell, and
Christopher Musgrave, were
sworn clerks of the council.

At the same time John Po-

V O L. XVI.

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1708. Distribution of prizes taken by men of war was left to the queen. A proclamation was therefore published at this time in May, ordering the prizes to be divided into eight shares. The captain was to have three eighths, unless he had a superior officer, in which case the admiral or commodore was to have one of the three. The commission-officers and master were to have one eighth, the warrant-officers one, and the petty-officers another, and the sailors the other two.

The duke
of Marl-
borough
goes to
Holland.

The storm, which threatened Great-Britain, being dispelled, and the necessary measures for the security of the government taken, the duke of Marlborough set out from London the 29th of March, and, having reached Margate that evening, embarked there, and the next day, at two in the afternoon, came in sight of the coast of Holland, and arrived late the same night at the Hague, where prince Eugene of Savoy was come, two days before, to meet him.

The End of the Sixteenth Volume.







